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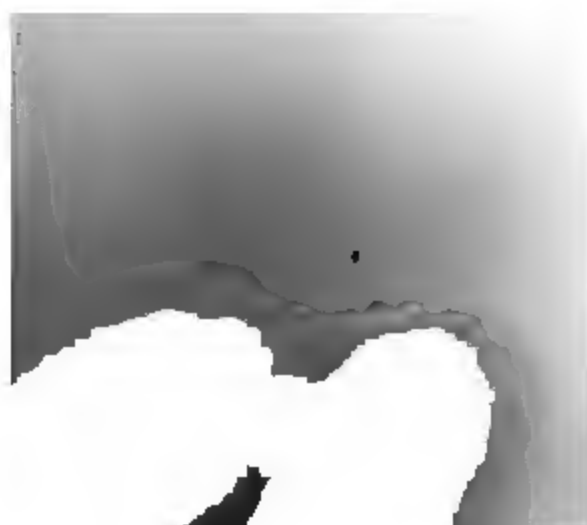
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TPG
Maine
Statutes.

**THE
RAILROAD LAWS OF MAINE**

CONTAINING ALL

**PUBLIC AND PRIVATE ACTS AND RESOLVES,
RELATING TO RAILROADS IN SAID STATE,**

WITH

REFERENCES TO DECISIONS OF SUPREME JUDICIAL COURT,

ALSO

**A Digest of the Decisions of the Courts of said State
on the Subject of Railroads,**

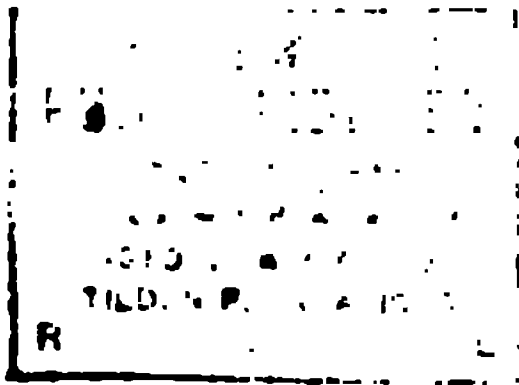
AND

**COPIES OF ALL MORTGAGES, DEEDS OF TRUST, LEASES AND CONTRACTS
MADE BY SAID RAILROADS.**

**By EDMUND F. WEBB,
ATTORNEY AT LAW**



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E.W. ✓

PREFACE.

The object of this volume is to present the entire body of the railroad law of this State in a convenient and accessible form.

It contains all the acts of the legislature, both public and private, which are printed in forty-five volumes of the annual series of acts and resolutions from 1831 to 1875 inclusive, including repealed acts. Where an act has been repealed, amended or considered by the court, such fact is noted in the margin.

Also a digest of the decisions of the Supreme Judicial Court, on the subject of railroads found in forty-three volumes of Maine Reports from vol. 21 to vol. 63, inclusive.

All the decisions of the court, in which railroads have been parties are inserted here, but such only as the respective reporters have deemed germane to the subject of railroads, for railroads are often in litigation where a question of railway law arises.

Leases, Deeds of Trust, Contracts and Mortgages are collated under the names of each company.

An alphabetical list of railroads, in operation in the State precedes the index.

Where a charter is given all the laws relating to it follow in order of time. The public laws are printed in the same order.

Railroad laws have so multiplied as to embarrass those having occasion to trace them through so many volumes. It is hoped this compilation may abridge their labors.

WATERVILLE, JULY 23, 1875.

ATLANTIC AND ST. LAWRENCE RAILROAD.

The Atlantic and St. Lawrence Railroad extends from Portland to Island Pond in Vermont, one hundred and forty-nine miles. Eighty-two miles are within the limits of Maine; it thence passes through corners of New Hampshire and Vermont, sixty-seven miles to Island Pond. It is leased for nine hundred and ninety-nine years to the Grand Trunk Railway of Canada, and is operated by it.

The right of way for the Atlantic and St. Lawrence Railroad, with the requisite chartered privileges, within the State of New Hampshire, was granted by an act of the Legislature, passed June 30, 1847, entitled, "an act constituting the Atlantic and St. Lawrence Railroad Company a corporation within this State."

The right of way for the Atlantic and St. Lawrence Railroad, with the requisite chartered privileges within the State of Vermont, were granted by an act of the General Assembly, passed October 27th, 1848, entitled, "an act constituting the Atlantic and St. Lawrence Rail Road Company, a corporation within the State."

LAWS OF 1845, CHAP. 195.

An act to establish the Atlantic and St. Lawrence Railroad Company.

SECT. 1. *Be it enacted, &c.* That William P. Preble, Josiah S. Little, John Mussey, John B. Brown, George Turner, John Anderson, St. John Smith, Charles Cobb, John Dow, Abner Shaw, John Neal, Augustine Haines, Franklin Tinkham, Charles E. Barrett, Eliphalet Case, Thomas Hammond, William E. Greely, William Kimball, Charles Q. Clapp, James L. Farmer, Woodbury Storer, and Eliphalet Greeley, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Atlantic and St. Lawrence Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter

Corporators.

Corporate name.

Rights, powers and privileges.

ATLANTIC AND ST. LAWRENCE RAILROAD.

Location and
route.

In case of dis-
agreement, dam-
ages shall be as-
certained by
county commis-
sioners.

granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair, a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point or place in the city of Portland, through the counties of Cumberland and Oxford, and, if deemed advisable, through the south-westerly corner of Franklin, to the boundary line of this State, at such place as will best connect with a railroad to be constructed from said boundary to Montreal in Canada. Said railroad to be located and constructed in the general direction of Sherbrooke and Montreal, on such route as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation shall be, and hereby are invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as herein set forth. And for this purpose, said corporation shall have the right to purchase, or to take and hold, so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction, and convenient operation of said railroad; and that they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken. *Provided, however,* that said land, so taken, shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment: *and provided, also,* that in all cases, said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners, for the county where such

land or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation, shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages, shall be sustained, unless made within three years from the time of taking such lands or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing thereon, within four rods from such road, which by their liability to be blown down or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

Application for estimate of damages to be made within three years.

Trees standing within four rods of road may be removed.

Compensation to be paid therefor.

SECT. 2. When said corporation shall take any land or other estate as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and such feme covert with the guardian of her husband, shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

Guardians of certain persons may settle claims for damages.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than thirty thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect

Capital stock and shares.

Directors, how chosen, &c,

Tenure of office.

Quorum.

President and clerk.

Oaths.

Treasurer.

Bonds.

Notice, how given.

First meeting, how called.

By-laws and regulations.

Directors, powers of.

one of their number to be president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer who shall be sworn and also give bonds to the corporation, with sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the town of Augusta, and the cities of Bangor and Portland, in this State, and the cities of Salem and Boston, in Massachusetts, and elsewhere as they shall appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Portland, Augusta and Boston, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed thirty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe, before the opening of said books. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town and cities last above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

SECT. 4. Said corporation shall have power to make, ordain and establish, all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SECT. 5. The president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and

property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold, within and without the State, land, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods, and property, of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share, or shares, for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber, or stockholder, shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale. *Provided, however,* that no assessments shall be laid upon any shares, in said corporation, of a greater amount in the whole than one hundred dollars.

Assessments,
how made.

Neglect to pay
shares may be
sold by auction.

Overplus, how
disposed of.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property—the construction of wheels—the forms of cars and carriages—the weights of loads and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

Toll granted.

Rates of toll.

Transportation
of property,
construction
wheels, form.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, but only on the easterly side thereof at any points on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads, so connected with said railroad, as aforesaid, shall not exceed the general rates of freight and toll, on said railroad, received for freight and passengers at any of the deposits of said corporation.

SECT. 8. If the said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way : and if the said railroad shall in the course thereof cross any canal, turnpike, railroad or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike or other highway ; and the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

SECT. 9. Said railroad corporation shall constantly maintain, in good repair, all bridges, with their abutments, and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way, or turnpike over said railroad.

SECT. 10. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across

Connections
with other com-
panies, legisla-
ture may au-
thorize.

Transportation
of persons,
goods and prop-
erty.

Private ways
not to be ob-
structed.

Canal or high-
way, same.

May erect gates.

Shall keep
bridges in good
repair.

Authorized to
erect bridges
over tide wat-
ers, pond, and
streams.

each of said rivers, or streams, or across any such tide waters; *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

SECT. 11. Said railroad corporation shall erect, and maintain substantial, legal and sufficient fences, on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court, for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Shall erect fences.

Penalty for neglect, &c. 44 Me., 362.

Fine, how appropriated.

SECT. 12. The said corporation shall, at all times, when the postmaster-general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster-general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And the said corporation, after they shall commence the receiving of tolls, shall be bound, at all times, to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles, for the transportation of persons and articles, and be obliged to receive, at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise, to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided, however*, that said corporation shall be under obli-

Facilities for transportation of articles, &c.

Lien.

Duties and obligations.

Proviso.

gation to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad, connected with that hereafter authorized, on the easterly side thereof; such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll and all other particulars enumerated in said section.

Malicious
obstruction and
damage of cor-
porate property,
how punished.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she or they, or any person or persons, assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer, whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences, contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Power to con-
tinue said rail-
road to bound-
ary of Canada.

Proviso.

SECT. 14. Said corporation shall be and hereby is invested with power and authority to continue and prolong said railroad, beyond the line of this State, to the boundary of Canada; and to purchase, take and hold lands, or the right of way over lands for the purpose of constructing said railroad, in continuation without the limits of this State, on and over said lands to the said boundary of Canada. *Provided*, the same can be done consistently with the laws and regulations of the State or States in which such lands lie, and through and over the territory of which such railroad in continuation would pass.

SECT. 15. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature ; and at the expiration of every year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad.

Disbursements
and receipts,
account of, to
inspection, &c.

SECT. 16. All real estate purchased by said corporation, for the use of the same, under the fifth section of this act, shall be taxable to said corporation by the several towns, cities and plantations, in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same, as other real estate of the same quality in such town, city or plantation, and not otherwise ; and the shares owned by the respective stock-holders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages, and incidental expenses, the directors shall make a special report of the fact to the legislature ; from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter over and above ten per centum per annum, first to be paid to the stock-holders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State, for the use of the State. And the State may have and maintain an action against said corporation therefor to recover the same. But no other tax, than herein is provided, shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Real estate of
corporation,
when taxable.

Shares, where
taxable.

Income and
report of same.

No other tax to
be levied.

SECT. 17. The annual meeting of the members of said corporation shall be holden on the second Monday in June, or such other day as shall be determined by the by-laws, at such time and place as the directors, for the time being, shall appoint, at which meeting, the directors shall be chosen by ballot, each

Annual meet-
ing.

Special meet-
ings.

proprietor by himself or proxy being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Doings of cor-
poration may
be inquired
into by legisla-
ture.
42 Me., 579.

SECT. 18. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained, without the consent of the corporation, except by due process of law.

Organisation,
location, &c.,
when to be
made.

SECT. 19. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners, of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty, in either of the above mentioned cases, this act shall be null and void. *Approved February 10, 1845.*

LAWS OF 1846, CHAP. 310.

An act in addition to "an act to establish the Atlantic and St. Lawrence Railroad Company."

May take and
hold real estate,
within the
city of Portland
for depot, &c.

SECT. 1. *Be it enacted, &c.* That the Atlantic and St. Lawrence Railroad Company shall have, and there hereby is granted to them, the right and power to take and hold such and so much of the lands, flats, and other real estate, of private persons and corporations, situate and lying within the city of Portland, and adjoining the navigable waters of Portland

harbor, as the directors of said company in the exercise of their best judgment and discretion shall judge to be best situated to promote public convenience, and to be necessary for the location and purposes of a suitable depot, landing, wharves, and other objects, connected with the uses and business of said road at the Atlantic termination thereof. And the lands so taken shall be deemed to be held and taken for public uses under the laws and constitution of this State : *Provided, however*, that the lands, flats, and other real estate so taken by said corporation, shall not extend beyond, but shall every part and parcel thereof, lie and be contained within the following exterior limits and boundaries, that is to say, beginning at the channel of Fore river on a line with India street, on the northeasterly side thereof, thence running to Fore street, thence by said Fore street northeasterly to a point northeasterly of Thurston's ship-yard, so called, where said Fore street approaches nearest to the edge of the high bank of said Fore river, thence in a direct line at right angles to the channel and thence by the channel to the place of beginning ; *and provided also*, that said corporation shall pay for any lands, flats, and other real estate, so taken as aforesaid, a just and reasonable price and equivalent therefor ; and in case the parties interested shall not otherwise agree, said corporation shall pay such price and equivalent therefor, as the county commissioners for the county of Cumberland shall adjudge and determine to be the fair value thereof ; the doings and proceedings of said commissioners in the premises being governed and conducted in all cases in the same manner, and under the same conditions and limitations, as are by law provided for ascertaining and determining the damages occasioned by the laying out of highways. And the said commissioners are hereby authorized and required on the written application of either party to proceed to examine, hear, and adjudicate, in the premises, and to cause their doings to be entered as of record on the records of their doings as county commissioners.

Proviso.

51 Me., 36.

To pay just compensation.

Damages how ascertained.

SECT. 2. The Atlantic and St. Lawrence Railroad Company shall have the right, and there is hereby granted to them the power, to build a suitable sea wall, and suitable breastworks,

Corporation may build sea-wall, wharves, docks, &c.

wharves, and docks, connected with their said depot and terminus, for the reception, landing, lading, transshipment, and forwarding of merchandise and freight, transported, or to be transported, by and over said road, and for the accommodation and security of ships and vessels, receiving or discharging merchandise, freight, or passengers. And to this end there is hereby further granted to them the right to build and construct a pier or piers on the middle ground, so called, for the protection and convenience of such ships and vessels, and for the better accommodation of the trade and business of said road, so however as not to obstruct and impede the free navigation of said harbor.

SECT. 3. This act shall take effect and be in force from and after the approval thereof by the governor. *Approved June 17, 1846.*

LAWS OF 1848, CHAP. 135.

An act to authorize the city of Portland to aid the construction of the Atlantic and St. Lawrence Railroad.

Portland authorized to loan its credit.

SECT. 1. *Be it enacted, &c.* That the city of Portland is hereby authorized to loan its credit to the Atlantic and St. Lawrence Railroad Company, in aid of the construction of their railroad, subject to the following terms and conditions.

When this act to take effect.

SECT. 2. This act shall not take effect, unless it shall be accepted by the directors of said railroad company, and by the vote of the inhabitants of said city, voting in ward meetings duly called, according to law; and at least two-thirds of the votes cast at such ward meetings shall be necessary for the acceptance of the act. The returns of such ward meetings shall be made to the aldermen of the city, and by them counted and declared, and the city clerk shall make record thereof.

When the city may issue scrip.

SECT. 3. Upon the acceptance of the act as aforesaid, the city treasurer is authorized to make and issue from time to time, for the purposes contemplated in this act, the scrip of said city, in convenient and suitable sums, payable to the holder thereof, on a term of time not less than twenty, nor more than thirty years, with coupons for interest attached, payable semi-annually, or yearly, as may be agreed.

SECT. 4. When the railroad company shall have received from assessments upon the shares of the private stockholders therein and shall have expended upon the construction of the road, and its necessary equipment, the sum of five hundred and fifty thousand dollars, the city treasurer shall then deliver to the directors of the company, the scrip aforesaid to the amount of two hundred thousand dollars. When the company shall have expended that sum in the further construction and equipment of the road, and shall have received from the assessments upon the shares of private stockholders, the further amount of one hundred thousand dollars, the city treasurer shall deliver of the scrip, a further amount of three hundred thousand dollars.

When scrip to be delivered and to whom.

SECT. 5. When the company shall have expended in the further construction and equipment of the road, at least one half the proceeds of the scrip last named, further portions of the scrip shall be from time to time delivered thereafter, in such amounts and proportions, that the aggregate of all the scrip delivered shall at no time exceed the whole amount of the assessments paid in and expended. But the whole amount of the scrip to be issued and delivered shall never exceed one million of dollars.

Amount of scrip not to exceed \$1,000,000.

SECT. 6. Before the delivery of any of the scrip, in any of the cases provided in the preceding sections, the directors of the company shall furnish satisfactory evidence to the mayor and aldermen of the city, that all the pre-requisites therein prescribed in the several cases have been respectively complied with, and shall file with the city treasurer a certificate of such compliance, signed by the president and treasurer of the company, to which certificate they shall severally make oath. In all cases, the scrip shall bear date from the delivery thereof, and the proceeds thereof shall be applied by the directors of the company, exclusively to the construction and necessary furniture and equipment of the Atlantic and St. Lawrence Railroad.

Pre-requisites of delivering the scrip.

Proceeds how applied.

SECT. 7. Upon the delivery of each and every portion of the scrip aforesaid, the directors shall execute and deliver to the city treasurer, the bond of the company, in an equal

Bond of corporation to the city.

amount, payable to the city, conditioned that the company will duly pay the interest on said scrip, and will provide for the reimbursement of the principal thereof, and hold the city harmless on account of the issue of the same, according to the provisions of this act.

Stock of railroad to be delivered to the city.

Assessments and voting thereon.

SECT. 8. The directors shall also transfer to the city, upon the delivery of any portion of the scrip as aforesaid, an equal amount in the shares of the company, to be held as collateral security for the bond of the company, required to be given in such case. And the shares so held as collateral shall be credited on the stock books of the company as fully paid up, and no assessments shall ever be required thereon, nor shall any dividends be paid on the same, nor any right of acting or voting at the meetings of the company be claimed or exercised by reason of said shares, so long as the same shall be held as collateral as aforesaid.

Lien of city.

SECT. 9. From and after the issue and delivery to the directors of any portion of the scrip aforesaid, the city shall have a lien upon the said railroad, and upon all the property and franchise of the company, to secure the performance of the conditions of all the bonds of the company, executed and delivered under the provisions of this act.

Sinking fund.

Commissioners

SECT. 10. For the purpose of providing for the reimbursement of the principal of the scrip, authorized to be issued by this act, there shall be established a sinking fund, and commissioners shall be appointed to manage the same. One of said commissioners shall be appointed by the mayor and aldermen of the city, and one by the directors of the company, and in case of a vacancy in the place of either, the same shall be supplied by the mayor and aldermen, or by the directors, respectively. Both of said commissioners shall be appointed and qualified before the delivery to the directors of any of the scrip. The commissioners shall severally be sworn to the faithful discharge of the duties enjoined upon them by this act, in presence of the city clerk, who shall make a certificate and record thereof, as in the case of the qualification of city officers. Each of the commissioners shall give a bond to the city, with satisfactory sureties, in the penal sum of ten thou-

Bond.

sand dollars, conditioned for the faithful discharge of his duty as commissioner. They shall receive such compensation as may be established by the directors, which shall be paid to them by the company, and shall not be diminished during their continuance in office. Compensation.

SECT. 11. Whenever the directors shall receive any portion of the scrip, authorized as aforesaid, to be delivered to them, they shall pay to the city treasurer, two per cent. of the amount of the scrip so delivered, which amount shall be, by the city treasurer, placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund. The directors shall also, annually in the month of April, pay to the city treasurer, from the income of the road, one per cent. of the whole amount of scrip which shall have been, before that time issued and delivered, and shall be then outstanding; but after the expiration of five years from the time of the delivery and receipt of the first portion of scrip as aforesaid, the said annual payments from the income of the road shall be increased to one and a half per cent. of the amount of the scrip, then outstanding as aforesaid, and the said annual payments of one per cent. for five years, and one and a half per cent. annually thereafter, shall be successively placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund. Sinking fund, how constituted.

SECT. 12. The commissioners shall have the care and management of all the moneys and securities at any time belonging to said fund; but the moneys uninvested and the securities shall be in the custody of the city treasurer, who shall be, by virtue of his office, treasurer of the sinking fund, and shall be responsible, on his official bond to the city, for the safe keeping of the moneys and securities of the fund. He shall pay out and deliver any of the said moneys and securities only upon the warrant of the commissioners. Care of the moneys.

SECT. 13. The commissioners shall from time to time, at their discretion, invest the moneys on hand securely, so that they shall be productive, and the same may be loaned on mortgage of real estate, or to any county, or upon pledge of the securities of any county in this State, or invested in the Money, how invested.

stock of this State, or of the United States, or in the stock of any railroad company in New England, whose road is completed, and whose capital has been wholly paid in. Any portion of the fund may be invested in the city scrip authorized by this act, and such scrip shall not thereby be extinguished, but shall be held by the commissioners, like their other investments, for the purposes of the fund. An amount not exceeding ten per cent. of the fund may be loaned on pledge of the stock of any bank, or of any stock insurance company in this State. And the commissioners may from time to time sell and transfer any of said securities.

Sinking fund,
how applied.

SECT. 14. The sinking fund and all the sums which shall be added thereto by accumulation upon the investments thereof, shall be reserved and kept inviolate for the redemption and reimbursement of the principal of said scrip at the maturity thereof, and shall be applied thereto by the commissioners.

Shares, how
sold.

SECT. 15. Any of the shares in the stock of the railroad company, held by the city as collateral, may be sold and transferred by direction of the commissioners of the sinking fund, with the consent of the directors of the railroad company, whenever an exchange thereof can be advantageously made for any of the city scrip, authorized by this act, or whenever the said scrip can be advantageously purchased with the proceeds of any such sale of such collateral shares. And the scrip so purchased or taken in exchange, shall be thereupon cancelled and extinguished, and the amount thereof shall be endorsed on the respective bonds of the railroad company given on the issue and delivery of such scrip. But no part of the sinking fund, or of its accumulations shall be applied at any time or in any manner to the redemption and extinguishment of the scrip before maturity thereof.

Shares may be
sold.

SECT. 16. If the directors of the railroad company shall, at any time, fail to pay to the city treasurer, for the sinking fund, the amount aforesaid of one per cent. or of one and a half per cent. required to be paid into the sinking fund, out of the income of the road, the commissioners are authorized, at their discretion, upon such notice to the company as they shall deem suitable, to sell so many of such collateral shares as may

be necessary to produce the amount of such deficiency, and the proceeds of such sale shall thereupon be paid into the sinking fund, and shall be applied to the purposes thereof. And all conveyances and transfers of such collateral shares shall be made by the city treasurer, under the direction of the commissioners of the fund, in pursuance of the provisions of this act.

SECT. 17. The commissioners shall keep a true record of all their proceedings and an account of all the sums paid into the fund, and of the investments made of the same, and shall, annually, in the month of July, report to the mayor and aldermen, and to the directors of the railroad company, their proceedings for the year, the amount and condition of the fund, and the income of the several parts thereof. And their records, and the accounts of the fund, and the securities belonging thereto, shall at all times be open to inspection by such committee as may be appointed for that purpose by the mayor and aldermen, or by the directors of the company.

Accounts to be kept.

SECT. 18. To secure the faithful discharge of the several trusts confided to the said commissioners under this act, the supreme judicial court is hereby empowered, upon the complaint of the mayor and aldermen, or of the directors of the railroad company, against the said commissioners, or either of them, concerning any of said trusts and duties, by summary process according to the course of proceedings in equity, to hear and adjudge upon the matter of such complaint, and to issue thereon any suitable writ or process, and make any proper decree to compel the appropriate discharge and performance of such trusts and duties, and to remove the said commissioners, or either of them; and in case of such removal, the vacancy shall be immediately supplied, as provided in the tenth section of this act.

Powers of court.

SECT. 19. If the said sinking fund with its accumulations, shall at any time exceed the amount of the scrip unredeemed and outstanding, all such excess shall be annually paid over to the railroad company; and if any surplus of the fund shall remain after the redemption and reimbursement of all the scrip, such surplus shall be paid over to the company.

Excess, how paid.

SECT. 20. This act shall take effect and be in force, from

Acceptance of
act.

and after its approval by the governor, so far as to empower the directors of the railroad company, and the inhabitants of the city to act upon the question of accepting the same, as provided in the second section of this act. And the several ward meetings of the inhabitants for that purpose, shall be called and holden within thirty days after such approval. And if the act shall be accepted as aforesaid, then, after such acceptance, and record thereof, all the parts of the act shall take effect and be in full force. *Approved August 1, 1848.*

LAWS OF 1850, CHAP. 304.

An act additional to an act to establish the Atlantic and St. Lawrence Railroad Company.

Capital stock
increased.

Be it enacted, &c. SECT. 1. The capital stock of the Atlantic and St. Lawrence Railroad Company is hereby increased ten thousand shares, so that the capital stock of said company shall consist of not less than ten thousand nor more than forty thousand shares.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved June 12, 1850.*

LAWS OF 1850, CHAP. 335.

An act to authorize the city of Portland to grant further aid in the construction of the Atlantic and St. Lawrence Railroad.

City of Portland
authorized to
loan its credit.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to make a further loan of its credit to the Atlantic and St. Lawrence Railroad Company, in aid of the construction of their railroad—subject to the following terms and conditions.

Act when to
take effect.

SECT. 2. This act shall not take effect, unless it shall be accepted by the directors of said railroad company, and by the vote of the inhabitants of said city, voting in ward meetings duly called according to law; and at least two-thirds of the whole number of votes cast at such ward meetings shall be necessary for the acceptance of the act. The returns of such ward meetings shall be made to the aldermen of the city

and they shall count and declare the votes returned, and the city clerk shall make record thereof.

SECT. 3. Upon the acceptance of the act as aforesaid, the city treasurer is authorized to make and issue from time to time, for the purposes contemplated in this act, the scrip of said city, in convenient and suitable sums, payable to the holder thereof, on a term of time not less than twenty, nor more than thirty years, with coupons for interest attached, payable semi-annually or yearly.

Scrip to be
issued, &c.

SECT. 4. The whole amount of the scrip to be issued and delivered under this act, shall not exceed five hundred thousand dollars, and the same shall be delivered by the city treasurer to the directors of the railroad company from time to time as may be required, subject to the several provisions of this act. In all cases, the scrip shall bear date from the delivery thereof, and the proceeds of the same shall be applied by the directors of the company, exclusively to the construction and necessary furniture and equipment of the Atlantic and St. Lawrence Railroad.

Amount not to
exceed \$500,000.

Date of scrip,
and how ap-
plied.

SECT. 5. Upon the delivery of each and every portion of the scrip aforesaid, the directors shall execute and deliver to the city treasurer, for the city, the bond of the company in an equal amount, payable to the city, conditioned that the company will duly pay the interest on said scrip, and will provide for the reimbursement of the principal thereof, and hold the city harmless on account of the issue of the same, according to the provisions of this act.

Bond of the
company to be
given for the
scrip.

SECT. 6. The directors shall also, if required by the mayor and aldermen of the city, transfer to the city, upon the delivery of any portion of the scrip as aforesaid, an equal amount in the shares of the company, to be held as security for the faithful performance of all the obligations of the company mentioned in the preceding section, and the certificates of such shares shall be delivered to the city treasurer. The shares so transferred, shall be credited in the stock books of the company as fully paid up. But the city shall not be taken and held as a stockholder in the company by reason of the transfer of shares for the purposes aforesaid, under the provi-

Security to be
given, if requir-
ed.

City not to be
considered a
stockholder.

sions of this act, or of an act passed August first, one thousand eight hundred and forty-eight, nor shall any assessments ever be required on the shares hereby authorized to be transferred as aforesaid, nor shall any dividends be paid on the same, nor any right of acting or voting at the meetings of the company be claimed or exercised by reason of said shares, so long as the same shall be held as security as aforesaid.

Additional lien.

SECT. 7. From and after the issue and delivery to the directors of any portion of the scrip issued under this act, the city shall have in addition to the lien which it now has by virtue of the act passed as aforesaid August first, one thousand eight hundred and forty-eight, a further lien upon said railroad, and upon all the property and franchise of the company to secure the performance of the conditions of all the bonds, executed and delivered under the provisions of this act, which lien may be enforced, in the manner hereinafter provided.

Sinking fund.

SECT. 8. For the purpose of providing for the reimbursement of the principal of the scrip, authorized to be issued by this act, a sinking fund shall be established, and shall be under the management of commissioners. The same persons who shall from time to time, be the commissioners of the sinking fund created under the act aforesaid, passed August first, one thousand eight hundred and forty-eight, shall be the commissioners of the sinking fund created under this act. They shall severally be sworn to the faithful discharge of the duties enjoined upon them by this act, before the delivery of any portion of the scrip hereby authorized, which oath shall be taken in presence of the city clerk, who shall make record thereof, as in case of the qualification of city officers.

Sinking fund,
how raised.

SECT. 9. Whenever the directors shall receive any portion of the scrip, authorized as aforesaid to be delivered to them, they shall pay to the city treasurer two per cent. of the amount of the scrip so delivered, which amount shall be by the city treasurer placed to the credit of the commissioners of the sinking fund, and shall constitute a part of the fund established by this act. The directors shall also annually, in the month of April, pay to the city treasurer, from the income of the road, one per cent. of the whole amount of scrip which shall

have been before that time issued and delivered under this act, and which shall be then outstanding; but after the expiration of five years from the time of the delivery and receipt of the first portion of scrip as aforesaid, the said annual payments from the income of the road shall be increased to one and a half per cent. of the amount of the scrip so issued and then outstanding as aforesaid, and the said annual payments of one per cent. for five years, and one and a half per cent. annually thereafter, shall be successively placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund established by this act.

SECT. 10. The commissioners shall have the care and management of all the moneys and securities at any time belonging to said fund; but the moneys uninvested, and the securities, shall be in the custody of the city treasurer, who shall be, by virtue of his office, treasurer of the sinking fund established by this act, and shall be responsible in his official bond to the city, for the safe keeping of the moneys and securities of the fund. He shall pay out and deliver any of said moneys and securities only upon the warrant of the commissioners.

Sinking fund,
how managed.

SECT. 11. The commissioners shall, from time to time, at their discretion, invest the moneys on hand, securely so that they shall be productive, and the same may be loaned on mortgage of real estate, or to any county, or upon pledge of the securities of any county in this state, or invested in the stock of this State, or of the United States. Any portion of the fund may be invested in the scrip authorized by this act, or by the aforesaid act of August first, one thousand eight hundred and forty-eight, and such scrip shall not thereby be extinguished, but shall be held by the commissioners, like their other investments, for the purposes of the fund. An amount not exceeding twelve per cent. of the fund may be loaned on pledge of the stock of any bank, or of any stock insurance company in this state, and the commissioners may from time to time sell and transfer any of said securities.

Investment of
sinking fund.

SECT. 12. The sinking fund aforesaid, and all the sums which shall be added thereto by accumulation upon the investments thereof, shall be reserved and kept inviolate for the

Sinking fund to
be reserved for
a specific pur-
pose.

redemption and reimbursement of the principal of the scrip authorized by this act, at the maturity thereof, and shall be applied thereto by the commissioners.

SECT. 13. Any of the shares in the stock of the company, held by the city for security, as provided in the sixth section of this act, may be sold and transferred by the commissioners of the sinking fund, with the consent of the directors of the company, whenever an exchange thereof can be advantageously made for any of the scrip authorized by this act, or whenever the said scrip can be advantageously purchased with the proceeds of any such sale of such collateral shares. And the scrip so purchased or taken in exchange, shall be thereupon cancelled and extinguished, and the amount thereof shall be endorsed on the respective bonds of the company given on the issue and delivery of such scrip. But no part of the sinking fund established by this act, or of its accumulations shall be applied at any time or in any manner to the redemption and extinguishment of the scrip before the maturity thereof.

SECT. 14. If the directors of the company shall at any time fail to pay to the city treasurer for the sinking fund created by this act, the amount aforesaid of one per cent., or of one and a half per cent., required to be paid into the sinking fund, out of the income of the road, the commissioners are authorized, at their discretion, upon such notice to the company as they shall deem suitable, to sell so many of the shares held by the city for security, as may be necessary to supply the amount of such deficiency, and the proceeds of such sale shall thereupon be paid into the sinking fund, and shall become a part thereof. All such conveyances and transfers of shares, which may be sold as aforesaid, shall be made by the city treasurer, under the direction of the commissioners.

SECT. 15. The commissioners shall keep a true record of all their proceedings and an account of all the sums paid into the fund, and of the investments of the same, and shall, annually in the month of July, report to the mayor and aldermen of the city, and to the directors of the railroad company, their proceedings for the year, the amount and condition of the fund, and the income of the several parts thereof. There re-

Shares in the stock may be exchanged for scrip.

Commissioners authorized to sell stock in certain cases.

Record, how kept.

ords and the accounts of the fund, and the securities belonging thereto shall at all times be open to the inspection of any committee appointed for that purpose by the mayor and aldermen, or by the directors of the company.

SECT. 16. To secure the faithful discharge of the several trusts confided to the said commissioners under this act, the supreme judicial court is hereby empowered, upon the complaint of the mayor and aldermen of the city, or of the directors of the railroad company, against the said commissioners or either of them, concerning any of their said trusts and duties, by summary process, according to the course of proceedings in equity, to hear and adjudge upon the matters of such complaint and to issue thereon, any suitable writ or process, and make any lawful decree to compel the proper discharge and performance of such duties and trusts, and to remove the said commissioners or either of them.

Matters of complaint between the city and commissioners how adjusted.

SECT. 17. If the said sinking fund with its accumulations shall, at any time exceed the amount of the scrip unredeemed and outstanding, issued under this act, all such excess shall be annually paid over to the railroad company; and if any surplus of the fund shall remain after the redemption and reimbursement of all the said scrip, such surplus shall be paid over to the company. And the mayor and aldermen may from time to time, cause to be reconveyed to the railroad company, such parts of the stock transferred to the city under this act, or the act aforesaid, passed August first, one thousand eight hundred and forty-eight, as they may deem not to be required for the securities herein provided. Upon the final completion of all the duties enjoined upon the commissioners under this act, their records and accounts shall be deposited with the railroad company.

Excess of sinking fund, how applied.

SECT. 18. For the purpose of securing and enforcing the lien granted to the city by the seventh section of this act, and by the ninth section of the act aforesaid, passed August first, one thousand eight hundred and forty-eight, the directors of the company are hereby authorized, and it shall be their duty whenever thereby directed by the mayor and aldermen, to execute and deliver to the city of Portland a mortgage of said

Lien to be secured by a mortgage.

Mortgage, how
executed, &c.

railroad and of all its property real and personal, and of the franchise of the company. Such mortgage shall be signed by the president of the company in his official capacity, and shall be executed according to the laws of the several states through which the railroad shall pass, and shall be of due and legal form, and shall contain apt and sufficient terms for the security of the city against any liabilities then existing, or which may thereafter be incurred in pursuance of this act, and of the act aforesaid, passed August first, one thousand eight hundred and forty-eight. The record of such mortgage in the registry of deeds for Cumberland county shall be a sufficient registry thereof to all intents and purposes, within this State. If any portion of the railroad shall not have been completed at the time of the execution of such mortgage, the directors shall be held whenever thereto requested, as aforesaid, to execute and deliver other like mortgages of any other portion of the road and property, as may be from time to time required, and such further mortgage shall be subject to like provisions, and shall have like operation as is hereinbefore prescribed.

Neglect of duty,
&c.

SECT. 19. If the directors of the company shall neglect or refuse to execute and deliver any such mortgage, after request as aforesaid, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city to compel the due execution and delivery thereof. The supreme judicial court for the county of Cumberland, shall have jurisdiction of such suit, and shall hear and determine the same, by summary process, in their discretion, and shall make such decree therein as may be suitable to effect the purposes herein required.

Foreclosure of
mortgage.

SECT. 20. For the purpose of foreclosing any such mortgage upon the property and franchise of the company within this State, it shall be sufficient for the mayor and aldermen to give notice according to the mode prescribed in the fifth section of the one hundred and twenty-fifth chapter of the revised statutes, which notice may be published in a newspaper printed in the city of Portland, and record thereof may be made within thirty days after the date of the last publication, in the registry of deeds for the county of Cumberland, which publication and record shall be sufficient for the purposes of such fore-

closure. Upon the expiration of three years from and after such publication, if the conditions of such mortgage shall not within that time have been performed, the foreclosure shall be complete, and shall be sufficient to make the title to all the property and franchise aforesaid, absolute in the city of Portland. And any transfer of any of the personal property of the company, made after publication of such notice to foreclose, without the consent of the mayor and aldermen, shall be wholly void; but lawful transfers and changes of any of the personal property of the company, not including the franchise, and the rails actually laid, and the right of way may be made notwithstanding such mortgage, before publication of notice to foreclose as aforesaid; and all personal property acquired by the company, by purchase, exchange or otherwise, after the execution and delivery of any such mortgage, shall be covered and held thereby.

SECT. 21. If the directors of the company shall at any time neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or of the act aforesaid, passed August first, one thousand eight hundred and forty-eight, or to make the annual payments thereby required for the sinking fund, the city of Portland may take actual possession in the manner hereinafter provided, of the railroad, of all the property real and personal of the company and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiencies of interest and amounts payable for the sinking fund and all further deficiencies that may occur, while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen or by a majority of their number, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder in the company, stating that the city thereby takes actual possession of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a sufficient legal transfer of all the same for the purposes aforesaid to the city, and shall enable the city to

City of Portland to take possession of the road in case the company omit to pay the interest.

Notice, how given.

hold the same against any other transfers thereof, and against any other claims thereon, until such purposes have been fully accomplished. Such possession shall not be considered as an entry for foreclosure, under any mortgage hereinbefore provided, nor shall the rights of the city or of the company under such mortgage be in any manner affected thereby.

All money accruing from the road after said notice to belong to the city.

SECT. 22. All moneys received by or for the railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the city, in the manner, and for the purposes herein provided, and shall, after notice given to persons receiving the same, respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor. All moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the salaries of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of the interest due as aforesaid, and placed to the credit of the commissioners of the sinking fund, in the amounts required by the provisions of this act, and the act aforesaid, passed August first, one thousand eight hundred and forty-eight. And any person who shall pay or apply any moneys received as aforesaid in any manner contrary to the foregoing provisions, shall be personally liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as is herein required.

Penalty, &c.

SECT. 23. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen

may cause a suit in equity to be instituted in the name of the city, in the supreme judicial court, in the county of Cumberland, against the railroad company, its directors, and any other person, as may be necessary for the purpose of discovery, injunction, account or other relief under the provisions of this act. And any judge of the court may issue a writ of injunction or any other suitable process on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings and make such orders and decrees, as may be within the powers and according to the course of proceedings of courts of equity, and as the necessities of the case may require.

A writ of injunction may be issued.

SECT. 24. If the railroad company shall after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance of such offices, shall be subject to all the duties and liabilities thereof.

Directors to be appointed by the city of Portland, in case the company neglect or refuse.

SECT. 25. This act shall take effect from and after its approval by the governor, so far as to empower the directors of the railroad company and the inhabitants of the city to act upon the question of accepting the same. The several ward meetings of the inhabitants for that purpose, shall be called and holden within thirty days after such approval. And if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect and be in full force. *Approved July 27, 1850.*

Act when to take effect.

LAWS OF 1851, CHAP. 431.

An act respecting the sinking funds of the Atlantic and St. Lawrence Railroad Company.

Commissioners
authorized to
invest said
fund.

Be it enacted, &c. SECT. 1. The commissioners of the sinking fund, created by "an act to authorize the city of Portland to aid in the construction of the Atlantic and St. Lawrence Railroad," are hereby authorized to invest any portion of said fund in the scrip authorized to be issued by said city under an act passed July 27, 1850, entitled "an act to authorize the city of Portland to grant further aid in the construction of the Atlantic and St. Lawrence Railroad."

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved June 2, 1851.*

LAWS OF 1852, CHAP. 475.

An act to authorize the city of Portland to grant further aid in the construction of the Atlantic and St. Lawrence Railroad.

Loan authoriz-
ed.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to make a further loan of its credit to the Atlantic and St. Lawrence Railroad Company for the purpose of aiding the final completion and equipment of the railroad of said company subject to the following terms and conditions.

Act not to take
effect unless ac-
cepted by com-
pany and city
of Portland.

SECT. 2. This act shall not take effect, unless it shall be accepted by the directors of said railroad company, and by the vote of the inhabitants of said city, voting in ward meetings duly called according to law; and at least two-thirds of the whole number of votes cast at such ward meetings shall be necessary for the acceptance of the act. The returns of such ward meetings shall be made to the aldermen of the city, and they shall count and declare the votes returned, and the city clerk shall make record thereof.

Return of votes,
how made.

City scrip, how
issued and
amount.

SECT. 3. Upon the acceptance of the act as aforesaid, the city treasurer shall make and issue, for the purposes contemplated in this act, the scrip of said city in convenient and suitable sums, payable to the holder thereof, on a term of time, not less than twenty nor more than thirty years, with

coupons for interest attached, payable semi-annually or yearly. The whole amount of said scrip shall not exceed the sum of five hundred thousand dollars, and the same shall be delivered by the city treasurer to the directors of the railroad company, subject to the several provisions of this act. The proceeds of the same shall be applied by the directors of the company, exclusively to the construction and necessary equipment of the Atlantic and St. Lawrence Railroad.

How applied.

SECT. 4. Upon the delivery of the scrip aforesaid, the directors of the railroad company shall execute and deliver to the city treasurer, for the city, the bond of the company, in a suitable penal sum, conditioned that the company will duly pay the interest and the principal of said scrip, and will hold the city harmless and free from all expenditure, damage or loss, on account of the issue and delivery of the same.

To be secured by penal bond.

SECT. 5. As a further security for the issue and delivery of said scrip, the directors of the company shall also deliver to the city treasurer the mortgage bonds of said company issued and bearing date on the first day of April, eighteen hundred and fifty-one, and secured by a deed of trust and mortgage of said railroad and the franchise and property of the company, of the same date, heretofore executed and delivered by said company to trustees for the benefit of the holders of the mortgage bonds aforesaid. The amount of said mortgage bonds, so delivered to the city treasurer, shall be equal to the amount of the scrip issued and delivered under this act, and the same shall be held by the city treasurer, for the time being, as collateral security to the obligation and bond given by the company as aforesaid, to hold and save the city harmless on account of the issue and delivery of said scrip. Upon the payment by the company of the interest which shall from time to time accrue upon the said scrip, the city treasurer shall cancel and surrender to the company an amount of the interest warrants attached to said mortgage bonds, equal to, and corresponding as nearly as may be, in date, to the amount of interest so paid on said scrip.

Mortgage bonds issued and secured by deed of trust and mortgage of road.

Amount of bonds equal to the amount of scrip.

Interest warrants cancelled on payment of interest.

SECT. 6. At the maturity of the mortgage bonds herein provided to be delivered as collateral security, and after the

Trustees au-
thorized, on
non-payment of
scrip, to convey
title to city of
Portland.

City to hold the
property con-
veyed as secu-
rity.

Act when to
take effect.

payment of all the other mortgage bonds issued under said deed of trust and mortgage if any portion of the scrip hereby authorized to be issued shall be unredeemed and outstanding, the trustees for the time being under said deed of trust and mortgage shall be authorized to release, assign and convey to the city of Portland, all the title and interest, which they may then have in the estate, property and franchise of the company by virtue of said deed, and of any other conveyances made in pursuance of the covenants therein contained, which conveyance shall be a discharge of said trustees from all the trusts created and declared in said deed, and the city shall by such conveyance, take and hold the said estate, property and franchise, as in mortgage, for the security and indemnity of the city, on account of the issue and delivery of its scrip as herein authorized until the final redemption and reimbursement of said scrip, and the interest accruing thereon.

SECT. 7. This act shall take effect and be in force from and after its approval by the governor, so far as to authorize the directors of the company, and the inhabitants of the city to act upon the question of accepting the same. The several ward meetings of the inhabitants for that purpose shall be holden within three months after such approval. And if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect and be in force. *Approved February 13, 1852.*

LAWS OF 1853, CHAP. 4.

An act to authorize the city of Portland to grant further aid in the construction of the Atlantic and St. Lawrence Railroad.

Loan
authorized.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to make a further loan of its credit to the Atlantic and St. Lawrence Railroad Company, in aid of the construction and furnishing of their railroad, subject to the following terms and conditions.

Acceptance of
act, conditions
of, &c.

SECT. 2. This act shall not take effect unless it shall be accepted by the directors of said railroad company and by the vote of the inhabitants of said city, voting in ward meetings

duly called according to law; and at least two-thirds of the whole number of votes cast at such ward meetings shall be necessary for acceptance of the act. The returns of each ward meeting shall be made to the aldermen of the city, and they shall count and declare the votes returned, and the city clerk shall make record thereof.

Returns of
ward meetings,
how made.

SECT. 3. Upon the acceptance of the act as aforesaid, the city treasurer is authorized to make and issue, on demand made by the said directors, for the purposes contemplated in this act, the scrip of said city in convenient and suitable sums, payable to the holder thereof, on a term of time not less than twenty nor more than thirty years, with coupons, for interest attached.

Acceptance of
act, loan how
made, &c.

SECT. 4. The whole amount of the scrip to be issued and delivered under this act, shall not exceed three hundred and fifty thousand dollars, and the same shall be delivered by the city treasurer to the directors of the railroad company as they may require the same. The proceeds of such scrip shall be applied by the directors of the company exclusively to the construction and necessary furniture and equipment of the Atlantic and St. Lawrence Railroad.

Scrip or loan,
amount au-
thorized.

Scrip, proceeds
of, how applied.

SECT. 5. Upon the issue and delivery of the scrip aforesaid, the directors of the railroad company shall cause a mortgage to be executed and delivered to the city, in the name of the company, conveying to the city, subject to any mortgages existing before the passage of this act, all the estate, property and franchise of the company, conditioned that the company will duly pay the interest accruing from time to time on the scrip issued under this act, and will pay the principal of the same at the maturity thereof. Such mortgage shall be executed according to the laws of the several States through which the railroad shall pass. The record thereof in the registry of deeds in Cumberland county, shall be a sufficient registry of the same to all intents and purposes within this State.

Road, mort-
gaged to secure
payment of
scrip.

Mortgage, how
executed and
recorded.

SECT. 6. Upon failure to perform any of the conditions of said mortgage, the city shall be authorized to take possession of the estate, property and franchise thereby conveyed, and the proceedings under such possession, and all proceedings for

Mortgage, fail-
ure to perform
conditions of,
&c.

the foreclosure of said mortgage, and the rights, liabilities and remedies of the parties, under such possession and entry for foreclosure shall be governed, regulated, limited and controlled in the manner that is provided in the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth sections of an act passed on the twenty-seventh day of July, eighteen hundred and fifty, entitled "an act to authorize the city of Portland to grant further aid in the construction of the Atlantic and St. Lawrence Railroad," in respect to the mortgage therein mentioned.

Act when to
take effect.

SECT. 7. This act shall take effect from and after its approval by the governor, so far as to empower the directors of the company and the inhabitants of the city to act upon the question of accepting the same. The several ward meetings of the inhabitants for that purpose shall be called and holden within ninety days after such approval. And if the act shall be accepted as aforesaid, then, after such acceptance and record thereof, all the parts of the act shall take effect and be in force. *Approved February 5, 1853.*

LAWS OF 1853, CHAP. 14.

An act respecting conveyance taken by the commissioners of the sinking funds of the Atlantic and St. Lawrence Railroad.

Conveyances,
in case of va-
cancy, to vest
in remaining
commissioners,
&c.

Be it enacted, &c. SECT. 1. If the commissioners of the sinking funds created under the several acts authorizing the city of Portland to aid the construction of the Atlantic and St. Lawrence Railroad, passed respectively, August first, eighteen hundred and forty-eight, and July twenty-seventh, eighteen hundred and fifty, shall at any time have or take any conveyance to themselves in their capacity as commissioners of said funds, their successors and assigns, for the purpose of securing any of the investments of said funds, all the title and estate of said commissioners under such conveyance, shall, in case of a vacancy in the place of either of them, vest in the remaining commissioner, and shall pass to and be upheld in their successors, as the same shall be lawfully appointed from

time to time, and such survivor and successors shall take and hold the said title and estate, with all the powers necessary to effect the objects of the conveyance. Commissioners, rights of successors, &c.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 17, 1853.*

LAWS OF 1853, CHAP. 41.

An act in addition to an act to incorporate the Atlantic and St. Lawrence Railroad Company.

Be it enacted, &c. SECT. 1. The directors of the Atlantic and St. Lawrence Railroad Company are hereby authorized to contract for the establishment of a transatlantic line or lines of steamers to be run between Portland and Liverpool, or other ports in Europe, for a period of time not exceeding seven years, and to appropriate the funds of the company therefor, to an amount not exceeding ten thousand dollars for each year; *provided*, that such contracts shall have no force and effect unless ratified by a vote of the stockholders of the company. Directors authorized to contract for a line of steamers from Portland to Liverpool.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved March 5, 1853.*

LAWS OF 1853, CHAP. 150.

An act to authorize a lease of the Atlantic and St. Lawrence Railroad.

Be it enacted, &c. SECT. 1. The Atlantic and St. Lawrence Railroad Company is hereby authorized, at any time within two years from the passage of this act, to enter into and execute such a lease of the railroad of said company, or contract in the nature of a lease, as will enable the lessees thereof to maintain and operate, by means of said railroad and other roads in extension of the same, a connected line of railroads from the Atlantic ocean at Portland to the city of Montreal in the Province of Canada, and thence to the western part of said province; but nothing contained in this act, or in any lease or contract that may be entered into under the au- Lease authorized, &c.

Lease not to impair the liability of stockholders.

This act not to circumscribe the powers of the legislature over said road.

Lease not entered into without consent of stockholders.

City of Portland to be a party in said lease, &c.

Assent of city authorities, how expressed.

Alterations of terms, &c., invalid without consent of city authorities.

Sinking fund, how invested.

thority of the same, shall exonerate the said company or the stockholders thereof from any duties or liabilities now imposed upon them by the charter of said company, or by the general laws of the State; nor shall anything herein contained in any manner limit or circumscribe any power of the legislature of this State to enact laws affecting the rights, privileges or duties of said company; and a majority of the directors of said company shall always be citizens of this State, and said company shall keep their office and books in this State.

SECT. 2. No such lease or contract shall be entered into unless authority for that purpose shall be given to the directors of said company, by a vote of the stockholders thereof, at a legal meeting of the company.

SECT. 3. The city of Portland shall be a party to any lease or contract that may be entered into in pursuance of this act, so far as that the written assent of the mayor and aldermen of the city shall be required thereto; which assent shall be expressed, under their signatures, or the signatures of a majority of them, upon the instrument of lease or other contract aforesaid; and no alteration of the terms, conditions and provisions of any such lease or contract shall have any validity unless the same is in writing and assented to as aforesaid by the mayor and aldermen as well as by the other parties to such lease or contract.

SECT. 4. This act shall take effect upon its approval by the governor. *Approved March 29, 1853.*

LAWS OF 1853, CHAP. 178.

An act to authorize the commissioners of the sinking fund as provided in chapter three hundred and seventy-nine, section seven, of the special acts of eighteen hundred and fifty, to make certain investments of said fund.

Be it enacted, &c. SECT. 1. The commissioners of the sinking fund provided for in the act above named, to which this is additional, are hereby authorized to invest said fund, or any part thereof, in the scrip or notes issued by any county in this State, or in the stock issued to the contributors of that

portion of the road between the junction with the Atlantic and St. Lawrence Railroad in Yarmouth, and the junction with the Portland, Saco and Portsmouth Railroad in Cape Elizabeth, upon which said contributors hold a lien prior to the cities and towns named in said act.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved March 30, 1853.*

LAWS OF 1853, CHAP. 195. EXTRA SESSION.

An act to provide for the conversion of shares in the capital stock of the Atlantic and St. Lawrence Railroad Company.

Be it enacted, &c. SECT. 1. The directors of the Atlantic and St. Lawrence Railroad Company are hereby authorized, at the request of any of the stockholders of said company, as hereinafter provided, to convert the shares in the capital stock of said company, now expressed in values of the currency of the United States, into shares expressed in values of the sterling currency of England, and to issue certificates thereof in shares of one hundred pounds sterling each.

Directors authorized to convert capital stock into shares of £100 sterling each.

SECT. 2. Whenever any holder of the present stock of the company shall surrender the certificates of not less than five shares thereof to the treasurer of the company, and request the conversion of the same into sterling shares as aforesaid, the treasurer shall issue to such holder or to his written order, certificates of one share of one hundred pounds sterling, equivalent to four hundred and eighty-four dollars, for every five shares of the present stock so surrendered, together with a certificate of one fractional share right of the par value of sixteen dollars for every such five shares surrendered.

Certificates of treasurer, when to be issued.

Fractional share rights.

SECT. 3. For the purpose of converting such fractional share rights into integral shares in the stock of the company of either denomination, any person holding such fractional rights, shall be entitled, on application to the treasurer, and surrender of the certificates thereof, to receive a certificate of four shares in the stock of the company, of one hundred dollars each, for every twenty-five of such fractional rights so surrendered, and in like manner shall be entitled to receive a cer-

Manner of converting fractional share rights into integral shares.

tificate of four shares of one hundred pounds sterling each for every one hundred and twenty-one of such fractional rights so surrendered. Whenever any new issue shall be made of shares in the capital stock of said company not heretofore subscribed for and taken, such new shares may be of either of the denominations of stock aforesaid, at the option of the persons entitled thereto.

Dividends.

Stock votes.

SECT. 4. All dividends which shall be payable by the company, shall be divided in equal proportional amounts to the several holders of the stock of both denominations ; and whenever a stock vote shall be taken at any meeting of the company, the number of votes which the holder of any sterling shares shall be entitled to cast, shall be the product of the number of his shares, including such as he may represent by proxy, multiplied by four and eighty-four hundredths, disregarding fractions in such product.

Transfer books.

Form of certificate.

Not exonerated from duties and liabilities imposed by charter, &c.

SECT. 5. The directors of said company are further authorized to open and provide for the keeping of transfer books for such sterling shares, in London, in England, under such regulations as they may deem expedient, for the convenience and security of the stockholders and of the company. They may also adopt such form of certificates of shares as may be suitable to effect the objects of this act, and may insert therein a stipulation for the payment of dividends in London ; which stipulation shall be binding upon the company. But nothing in this act contained shall exonerate the said company from the general duties and liabilities imposed upon them by the charter, and by the general laws of this State ; and the principal office of said company, and its records, books and papers, except the transfer books aforesaid, shall continue to be kept within this State.

When to take effect.

SECT. 6. The authority granted by this act shall not be exercised until the same shall have been approved and accepted by the directors of said company, and by the stockholders at legal meetings of those bodies respectively, nor until the directors have, by vote, established the several regulations and forms required for effecting its objects. And no certificates shall be issued as herein provided, until after the publication

of notice, by authority of the directors, in some newspaper printed in Portland, that this act has been accepted, and that they have established the several regulations and forms required as aforesaid. *Approved September 28, 1853.*

Certificates, not to be issued until after notice.

LAWS OF 1868, CHAP. 601.

An act making further provisions respecting the loans of credit heretofore made by the city of Portland to the Atlantic and St. Lawrence Railroad Company.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to make such arrangements as the city council may determine to be necessary and expedient, to provide for the extension of such parts of the obligations given to the city by the Atlantic and St. Lawrence Railroad Company, under the acts of August one, eighteen hundred forty-eight, and July twenty-seven, eighteen hundred and fifty, as may not be satisfied by the sinking funds established under those acts; and shall have and may exercise, until all the balance of indebtedness which may arise under said obligations is fully paid, all the rights and powers granted by said acts for the security of the city, and for the enforcement of its lien upon the railroad and property of said company.

City council may arrange for extension of obligations of A. & St. L. R. R. to city.

Further powers vested in council and continuance of same.

SECT. 2. The commissioners of the sinking funds established by said acts, shall be commissioners to receive such contributions as may be paid by the railroad company towards a further sinking fund for the redemption of the unsatisfied balance of indebtedness as aforesaid. They shall have succession, as provided in said acts, and shall be invested with all the powers and subject to all the duties and liabilities in respect to the management of such further sinking fund and the securities of the same, and the application thereof, as is now provided by said acts. They may invest the moneys of such fund in any of the debt of the city of Portland, and may make such other investment of the same as is authorized by said acts, except investments in railroad stocks, or upon pledge of the stock of banks or insurance companies. They shall be authorized, in making investments upon mortgages of real estate,

Commissioners of sinking fund.

Powers, duties and succession.

Investments of fund, how made, &c.

Rate of interest
on mortgages
of real estate.

to contract for a rate of interest not exceeding eight dollars in the hundred, by the year.

Contributions
to sinking fund,
when and
how made.

SECT. 3. The contributions to such further sinking fund, shall be in each of the years eighteen hundred and sixty-nine and eighteen hundred and seventy, one thirty-second part of the average amount of such unsatisfied indebtedness subsisting in those years; but afterwards, the sum of twenty-five thousand dollars annually, until the final reimbursement and discharge of such indebtedness. All of such contributions shall be made by the railroad company in equal half-yearly instalments, on the first days of January and July in every year.

Duties and li-
abilities of city
treasurer.

SECT. 4. The city treasurer shall perform such duties and be subject to such liabilities in respect to the moneys and securities of such further sinking fund, as now prescribed by law in respect to the sinking funds under the acts aforesaid.

City council
may upon peti-
tion provide
for sinking fund
in England.

SECT. 5. In lieu of the provisions made in the preceding sections for the establishment and maintenance of a further sinking fund for the redemption of the balance of indebtedness aforesaid, it shall be lawful for the city council, upon petition by the railroad company, to provide by city ordinance for the establishment of a sinking fund for the same purpose, at London, in England, to be held and managed by two commissioners, one of whom shall be appointed by the mayor and aldermen of the city, and one by the directors of the railroad company, and in case of vacancies the same shall be supplied by new appointments made by them respectively. The railroad company shall pay and contribute to such sinking fund, in each of the years eighteen hundred and sixty-nine and eighteen hundred and seventy, one thirty-second part in sterling money of the average amount of such unsatisfied indebtedness, subsisting in those years; and afterwards, the sum of five thousand pounds sterling annually, until the final redemption and discharge of all such indebtedness. All of such payments and contributions shall be made in equal half-yearly instalments on the first days of January and July in every year. The commissioners so appointed and accepting the trust, shall be subject to such regulations in the investment and application of the fund as shall

Commissioners
for same, by
whom appoint-
ed, &c.

Payments and
contributions to
same, when to
be made.

Commissioners
subject to regu-
lations estab-
lished by city
council.

be established by the city council by the ordinance aforesaid. The railroad company shall be in all respects and at all events responsible for the safe keeping and proper application of the fund so established. And if such ordinance as is contemplated by this section shall be passed by the city council, upon petition of the railroad company as aforesaid, then the second, third and fourth sections of this act shall cease to have any effect.

Responsibility of railroad co. regarding safe keeping and application of funds.

Proviso as to adoption of ordinance.

SECT. 6. Whenever the amount of the sinking fund hereby authorized, in either form, shall be equal to the unsatisfied indebtedness aforesaid, the commissioners shall make over and deliver the same to the city, in full discharge of such indebtedness.

Provisions for payment to city of fund when equal to indebtedness.

SECT. 7. Nothing in this act contained, nor any arrangements or proceedings, made and entered into under the same, shall, in any manner, affect or impair the priority of security and lien which the city now has, for the loans of its credit, under the acts aforesaid.

Lien of city upon railroad not impaired by this act.

SECT. 8. No power shall be exercised under this act, nor any privileges enjoyed under it until it shall have been accepted by the city council, and by the directors of this railroad company. The evidence of acceptance by the directors shall be filed with the city clerk, and entered in the records of the mayor and aldermen. *Approved March 3, 1868.*

Provisions for acceptance of same.

LAWS OF 1869, CHAP. 84.

An act respecting investments of the sinking funds of the Atlantic and St. Lawrence Railroad Company.

Be it enacted, &c. SECT. 1. The commissioners of the sinking funds of the Atlantic and St. Lawrence Railroad Company, established under the several acts passed in the years eighteen hundred and forty-eight, and eighteen hundred and fifty, for the redemption of the loans of credit made by the city of Portland to said company, are hereby authorized to invest the moneys of said funds in any of the permanent debt of the city.

Commissioners sinking funds of A. and St. L. Railroad Co. may invest the moneys of said funds in debt of city.

SECT. 2. This act shall take effect when approved. *Approved February 15, 1869.*

LAWS OF 1873, CHAP. 242.

An act additional to "an act to establish the Atlantic and St. Lawrence Railroad Company."

Increase of
stock.

Be it enacted, &c. SECT. 1. The capital stock of the Atlantic and St. Lawrence Railroad Company is hereby increased ten thousand shares of the par value of one hundred dollars each, so that the capital stock of said company shall consist of not less than ten thousand nor more than fifty thousand shares.

SECT. 2. This act shall take effect when approved. *Approved February 4, 1873.*

CONTRACT

*Between the Atlantic and St. Lawrence Railroad Company
and the Portland, Saco and Portsmouth Railroad
Company.*

This memorandum of contract and agreement made and concluded this twenty-third day of April, A. D. eighteen hundred and fifty, by and between the Atlantic and St. Lawrence Railroad Company of the first part, and the Portland, Saco and Portsmouth Railroad Company of the other part, corporations established by the laws of the State of Maine:

Witnesseth, That, whereas the said company of the first part have covenanted and agreed with the city of Portland, to construct a sea-wall on the whole shore front of Commercial street, and to fill up and make said Commercial street, from India street to Canal street, and such other street as may be hereafter laid out and accepted by said city of Portland, in continuation of said Commercial street to the depot of said company of the second part, said street to be made of the width of one hundred feet, a copy of which agreement between said company of the first part and said city of Portland is hereto appended and made part of this contract: The said company of the second part, for the considerations and agreements hereinafter expressed, covenants, contracts, and agrees to and with the said company of the first part, to be at the joint and equal expense of constructing said sea-wall and street, and to pay said company of the first part one-half of the whole amount of the cost of erecting said wall and making said street, according to the covenants and agreements of the said company of the first part, as set forth in the copy of the contract hereto appended, to be paid monthly as the expenditure therefor may be made, said expenditure for the construction of said sea-wall and street to be made under the joint direction of the president of the said Atlantic and St. Lawrence Railroad Company in behalf of the party of the first part, and of the president of the said Portland, Saco and Portsmouth Railroad Company, and of the presidents of the Eastern Railroad Company, and of the Boston and Maine Railroad, as authorized agents of said Portland, Saco and Portsmouth Railroad Company in behalf of said party of the second part, and all other expenditures arising under the stipulations of this contract. And the said companies hereby mutually agree to and with each other to erect at their joint expense, a suitable passenger depot for the accommodation and use of the business of their respective roads, with the necessary fixtures, and to purchase such lands and flats therefor as may be required for said depot, at some suitable location between their present depots, and forthwith to connect their respective depots as now established in the city of Portland, by a temporary track on piles, and generally to be at the joint and equal expense of all the things and outlays

ATLANTIC AND ST. LAWRENCE RAILROAD.

required to be made by said companies of the first part, in their said contract with the city of Portland.

And the said company of the first part hereby covenants and agrees with said party of the second part, to lay out and extend the location of its present line from their depot at the foot of India street, to the depot of said company of the second part in Canal street, in said city of Portland, by laying out and locating their said line twenty-six feet in width over said Commercial street to Canal street, and thence over said Canal street, and such other additional streets, in continuation of said Commercial street, as the said city of Portland shall hereafter lay out and accept, to the depot of said company of the second part.

And the said company of the first part covenants and agrees to and with the said company of the second part to make and execute to said company of the second part an irrevocable lease of their interest in that part of said railway herein agreed to be laid down westerly of the depot herein agreed to be constructed, and between that and the depot of said company of the second part, and whenever the said company of the second part may obtain from the legislature, authority to extend their line to said Central depot, then and in that case, said company of the first part will convey to said party of the second part all its rights and interest in and to that part of said railway hereinbefore agreed to be leased, and until the erection of said Central depot, the said company of the first part hereby agrees to grant to said company of the second part the use and occupancy of said track or tracks which may be laid down between, and to connect the present depots of said parties—said track or tracks to be laid down at the joint and equal expense of said parties as aforesaid, so as to conform to the respective guage of each road, by separate tracks or by a third rail, as may be hereafter determined. And while the temporary track provided for as aforesaid shall be used, the said temporary track shall be laid down upon the guage of the road of the party of the first part, and shall be operated and run by the said company of the first part, and the expense of operating said connecting piece of road shall be equally borne by the parties hereto. *Provided, nevertheless,* that the party of the second part shall, in no event, be required to contribute for the carrying out the object of this agreement, a greater sum than fifty thousand dollars, and that all their payments may be made in the stock of the Portland, Saco and Portsmouth Railroad at its par value, but the excess shall be wholly paid by the party of the first part, which party of the first part hereby guarantees the said party of the second part, against any claim for land damages growing out of, or arising from the laying out of said highway of one hundred feet wide, the construction of the same, or the laying down the rails, as hereinbefore provided for.

On the completion of the whole work, aforesaid, the parties respectively shall run their passenger trains, to the Central depot, and shall be at full liberty to deliver their freight at any point or points between the termini of the now existing depots of the two roads, free of charge, but each party shall control the portion of the road which may be constructed between their present depots and the proposed Central depot, and establish such rules as may be mutually beneficial.

In testimony whereof, the said Atlantic and St. Lawrence Railroad Company, and the said Portland, Saco and Portsmouth Railroad Company by their presidents duly authorized for that purpose, have caused these presents to be signed, and the respective seals of the contracting parties to be affixed, on the day and year first above written.

Signed, Sealed and Delivered
in presence of

(Signed) W. S. TUCKERMAN, Witness
to signature of ICHABOD GOODWIN,
President.

Witness to signature of JOSIAH S.
LITTLE, *President.*

(Signed) H. W. HERSEY.

Countersigned by
JAMES SWEETSER, *Treasurer of the*
P. S. & Portsmouth R. R. Co.

(Signed)
ICHABOD GOODWIN,
President of P. S. & Portsmouth
Railroad Co.

Seal of
the
Atlantic &
St. Lawrence
R. R. Co.

The Atlantic and St. Lawrence
Railroad Company, by

(Signed)
JOSIAH S. LITTLE,
their President.

Seal of the
Portland, Saco &
Portsmouth R. R. Co.
Inc. March 14,
1837.

TRUST MORTGAGE

To secure Bonds of the Company, April 1, 1851.

Know all men by these presents, that the Atlantic and St. Lawrence Railroad Company, a corporation established by the legislature of the State of Maine, and created a corporation within the several states of New Hampshire and Vermont, by the legislatures of those States respectively, for the purpose of effecting the several trusts and securities hereinafter set forth, and in consideration of one dollar paid by the grantees and trustees hereinafter named, doth hereby give, grant, bargain, sell and convey to Ether Shepley, John Anderson and John Rand, all of Portland, in the county of Cumberland, in the State of Maine, Esquires, and to their survivors and successors as hereinafter designated, all the railroad of said company, known as the Atlantic and St. Lawrence Railroad, situated in the counties of Cumberland and Oxford, in the State of Maine, and continued, and to be continued, through the northern parts of the States of New Hampshire and Vermont, including all the land and right of way taken and held by said company in the States aforesaid for the purposes of its road, and all the franchise of said company granted by the several

States aforesaid, together with all the real estate of said company situated in the said counties of Cumberland and Oxford, and in any county or counties in the said States of New Hampshire and Vermont, and all the rails and superstructure, the cars, engines, and other furniture, machinery and equipment of said road, and all other personal property of said company, appertaining to and connected with the customary use and working of said railroad and the machinery thereof; subject to the prior liens of the city of Portland upon the said railroad, and all the property and franchises of said company created by the several acts of the legislature of Maine, passed August first, one thousand eight hundred and forty-eight, and July twenty-seventh, one thousand eight hundred and fifty, and subject to a mortgage dated February third, A. D. one thousand eight hundred and fifty-one, executed and delivered by the said company to the said city of Portland under the provisions of the act aforesaid, passed July twenty-seventh, one thousand eight hundred and fifty, and to any other and further mortgage, which may at any time be made by said company to said city in pursuance of said act, and subject also to any and all future assurances and conveyances which may be made by said company to said city in pursuance of covenants for that purpose contained and expressed in the mortgage aforesaid.

To have and to hold the premises, with all the privileges and appurtenances thereunto belonging, to them the said grantees, their survivors and successors upon the conditions, trusts and agreements, hereinafter set forth as follows:

Whereas, the directors of the said railroad company, on the third day of February, one thousand eight hundred and fifty-one, voted "that this company issue a series of bonds to the amount of one million five hundred thousand dollars payable in fifteen years, with semi-annual interest coupons annexed, of the following denominations, viz: \$900,000 in bonds, of \$1000 each; \$450,000 in bonds, of \$500 each; both made payable, principal and interest in Boston, and \$150,000 in bonds of \$200 each, payable principal and interest, at the treasurer's office in Portland, all said bonds to bear date the first day of April, one thousand eight hundred and fifty-one," and whereas the stockholders of said company on the sixth day of March, one thousand eight hundred and fifty-one, voted that the directors be authorized to make a mortgage of the whole road and all the real and personal property and franchise of the company, to secure the aforesaid bonds of the company subject to the prior lien and mortgage to the city of Portland, and the directors of said company have accordingly issued the bonds of said company of the tenor aforesaid, and delivered the same to the purchasers thereof, to the amount in the aggregate of \$1,500,000, and the said grantees herein named, have agreed to accept the said conveyance and the trusts hereby made, created and declared, for the purpose of securing the payment of the bonds aforesaid with interest thereon, according to the tenor thereof, to the several holders of the same.

Now, if said company shall well and truly pay the interest which shall from time to time accrue and become payable upon any and all of said bonds, and shall well and truly pay the principal of the same, at the maturity thereof, then this deed shall be void, otherwise shall be and remain in full force.

It is agreed that the said company may continue in possession of, and manage the said railroad and other property aforesaid, so long as it shall punctually pay the interest and principal aforesaid according to the tenor of said bonds, and may, from time to time, renew and replace any of the personal property hereby conveyed by other property of like character, and suited in like manner for the purposes of said railroad according to the charter of said company.

This conveyance is made upon the following further trusts and agreements, that is to say:

First. If the said railroad company shall at any time fail to pay the interest which shall become due and payable upon any of the bonds aforesaid, or shall fail to pay the principal of the same, according to the tenor thereof, it shall then be lawful for the trustees aforesaid, their survivors and successors, subject to the prior rights of the city of Portland as aforesaid, into and upon all and singular the premises heretofore granted, to enter, and the same to take into their actual possession, with full power and authority, as trustees as aforesaid, to manage and control the said property, franchise and estate, and to work the said railroad and machinery and equipment, and receive the income, rents and profits thereof, and after providing for the expenses incident to such management, working and control, and necessary to keep the said railroad and other property in suitable condition for business according to the charter of said company, and after paying whatever sums may become due, from time to time to provide for payment of interest and reimbursement of principal of the scrip issued by the city of Portland and delivered to the said railroad company in pursuance of the several acts authorizing the said city to aid the construction of said railroad, to apply the net proceeds and balance of such income remaining in the hands of said trustees, to the payment of the interest or principal aforesaid of the bonds secured by this conveyance, which shall then be due and unpaid as aforesaid.

Second. If at any time the said company shall for the space of six months after any such entry and taking of actual possession by the said trustees, fail to provide for and supply the deficiency of interest or principal due as aforesaid upon the bonds hereby secured, and the proceeds and balance as aforesaid of the rent, income and profits accruing in the hands of said trustees, shall not be adequate to supply such deficiency, and any number of the holders of said bonds, holding not less than *five hundred thousand dollars* of principal, shall request in writing the said trustees to sell the property, estate and franchise hereby conveyed, for the purpose of supplying such deficiency, it shall be lawful for said trustees and their successors, to sell the whole property, estate and franchises hereby conveyed at public auction, at such time and place and upon such terms as they shall prescribe. But before any such sale, the said trustees shall give public notice thereof by advertisement, to be inserted in at least two newspapers printed in Portland, once a week for three months prior to the time of such intended sale. And if the said company shall before actual sale as aforesaid, pay all such amounts as may be then due upon any and all of said bonds and coupons, and all the expenses incurred by the said trustees to that date, the proceedings under such notice of sale

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shall be stayed and vacated, and no sale shall take place. But the said trustees and their successors, may upon the same terms and conditions, give notice of sale as aforesaid, whenever and so often as there may be a failure to pay the interest and principal of said bonds due as aforesaid until a sale shall be actually made. And for the purpose of making and completing such sale, the said trustees and their successors are hereby empowered, with authority irrevocable, to make and execute good and sufficient deeds to pass a full and complete title to any and all the property so sold and conveyed, and out of the proceeds of such sale after paying all expenses, which may have arisen under the proceedings of said trustees as herein authorized, to receive and hold the net proceeds, and apply the same to the payment of all said bonds, which may then be outstanding, whether the same have matured or not, and all the interest thereon, which may have accrued and be due at the time of such payment. And if such net proceeds be insufficient to pay the whole of the bonds and interest according to the tenor thereof, then the same shall be distributed and paid proportionally to and among the holders of the bonds then outstanding as aforesaid. And if any balance shall remain in the hands of said trustees, after paying said bonds and interest and all expenses arising in execution of this trust, the said trustees and their successors shall account for and pay over such balance to said company. But all the rights and powers of said trustees to enter upon, sell and dispose of the property, estate and franchise aforesaid, shall be subject to the prior rights of the city of Portland, as hereinbefore defined and declared.

Third. Whenever a vacancy shall occur in the number of the trustees hereby appointed, by the death, resignation, permanent disability, or removal from this State, of any one of them, whether before or after his acceptance of the trust hereof, the surviving and remaining trustees shall immediately nominate and appoint some suitable person, an inhabitant of the State of Maine, to supply such vacancy, which appointment shall be certified upon this deed under the hand of the trustees so appointing, and shall be by them made known to the directors of said company. And the person so appointed shall succeed to and have all the powers of the trustees in whose place he shall be appointed.

If at any time there shall be two vacancies in the number of said trustees, the nomination and appointment to supply said vacancies shall be made by the surviving and remaining trustee, in the same manner and under the restrictions aforesaid, and all the successors appointed as aforesaid shall have all the powers hereby granted to the trustees named in this instrument, and all future vacancies in the number of such successors shall be filled by the surviving and remaining trustees and successors in the manner hereinbefore prescribed.

And so often as any new trustee or trustees hereof shall be appointed, all the estate, property and interest, which shall for the time being be holden upon the trusts hereof, shall be thereupon so conveyed, assigned and transferred by the acting trustee or trustees, to such new trustee or trustees, as that the same shall vest in and be holden jointly by all of said trustees to and for the same trusts, and upon the same conditions, and with and subject to the same powers and provisions as are herein con-

tained and declared of and concerning the premises granted, and the trustees named in this instrument, so far as the same trusts, powers, conditions and provisions shall then be subsisting and capable of taking effect.

Fourth. Whenever the said trustees shall have entered upon and taken possession of the property hereby conveyed for the purposes herein provided, if, before any actual sale of said property, the said company shall have fully satisfied and performed all the conditions for breach of which such entry was made, and paid all the expenses incurred by said trustees under such entry and possession, or the same shall have been satisfied and paid out of the income, rents and profits received by said trustees from working and managing said railroad and other property, the said trustees shall thereupon relinquish to the company all possession and control of said road and franchise and other property, and any time for which the same shall have been held by said trustees, prior to any such relinquishment, shall not be taken or reckoned as effecting or leading to a foreclosure of this mortgage.

Fifth. Whenever the said trustees and their successors shall be in possession of said railroad and other property, they shall grant all such reasonable inspection of their accounts, records and proceedings, as may at any time be required by any committee of the directors, or of the stockholders of said company.

And the said trustees shall in no event be personally liable for each other, but any one of them is to be accountable and liable only for his own act, misdoing or neglect.

And the said company hereby covenants and agrees to and with the said trustees, that upon demand of said trustees, it will, at any time hereafter, subject to the prior rights of the city of Portland, as aforesaid, make any other and further assurance and conveyance to said trustees, of the said railroad and other property held and used in connection therewith, as the same shall be from time to time extended, enlarged and completed, so as to make the whole of said road under the several charters of the company, and all the franchise and property aforesaid, subject to and liable for the payment of the bonds and interest hereinbefore described.

In witness whereof, the said Atlantic and St. Lawrence Railroad Company, has caused these presents to be subscribed by Josiah S. Little, president of said company, and the seal of said company to be hereunto affixed, and the said Ether Shepley, John Anderson and John Rand, in testimony of their acceptance of the grant and trusts hereby made, created and declared, have hereunto severally set their hands and seals this first day of April, in the year of our Lord, one thousand eight hundred and fifty-one.

JOSIAH S. LITTLE,
President of the A. & St. L. R. R. Co.,
ETHER SHEPLEY,
JOHN ANDERSON,
JOHN RAND.

Signed, sealed and delivered, in presence of

WM. H. WOOD,
H. W. HERSEY.

Countersigned by

CHAS. E. BARRETT, *Treasurer.*

LEASE

*To Trustees for the Grand Trunk Railway Company of
Canada, August 5, 1853.*

Whereas, the Atlantic and St. Lawrence Railroad Company, a corporation established by the legislature of the State of Maine, and the Grand Trunk Railway Company of Canada, a corporation established by the legislature of the province of Canada, have negotiated respecting the leasing of the railroad of the said Atlantic and St. Lawrence Railroad Company to the said Grand Trunk Railway Company, under the authority granted by an act of the legislature of Maine, passed on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and fifty-three, entitled an act to authorize a lease of the Atlantic and St. Lawrence Railroad, and the said companies have preliminarily agreed, the said Atlantic and St. Lawrence Railroad Company to grant, and the said Grand Trunk Railway Company to accept a lease of said railroad and its appurtenances, in substance upon the terms, agreements, covenants and conditions hereinafter, in this instrument, recited and set forth, but the said Grand Trunk Railway Company has not now the legal competency to enter into and execute such lease, for want of the requisite legislative authority therefor, and the Hon. John Ross, of Belleville, in the province of Canada, Benjamin Holmes, Esq., of Montreal, in the said province, and William Jackson, Esq., of Birkenhead, England, stockholders in said Grand Trunk Railway Company in furtherance of the objects of said companies, and to promote the ultimate and definitive execution of their preliminary agreement as aforesaid have undertaken, as hereinafter recited, to enter into and accept a lease of said railroad and appurtenances for the purpose of holding the same in behalf of said Grand Trunk Railway Company pending and until the procurement of the requisite legislative authority to enable said company definitively to execute and complete said preliminary agreement, and in its own behalf to enter into, execute and accept a lease as aforesaid and with the intent that as soon as such authority shall be procured, they, the said Ross, Holmes and Jackson, shall assign and transfer all their right, title and interest in said railroad and appurtenances, to the said Grand Trunk Railway Company.

And whereas, the said Atlantic and St. Lawrence Railroad Company by the act of the legislature of Maine aforesaid, was authorized at any time within two years from the passage of said act, to enter into and execute such a lease of the railroad of said company or contract in the nature of a lease as would enable the lessees thereof to maintain and operate by means of said railroad and other roads in extension of the same, a connected line of railroads from the Atlantic ocean at Portland to the city of Montreal, in the province of Canada, and thence to the western part of said province :

And whereas, the stockholders of the said Atlantic and St. Lawrence Rail-

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road Company, at a legal meeting held on the tenth day of June in the year of our Lord one thousand eight hundred and fifty-three, by their vote authorized the directors of said company to enter into such a lease, or contract in the nature of a lease, as is contemplated and described in the act aforesaid :

Now, this indenture, made this fifth day of August in the year aforesaid, between the said Atlantic and St. Lawrence Railroad Company, on the one part, and the Hon. John Ross, Benjamin Holmes and William Jackson, Esquires, aforesaid, on the other part, *witnesseth*, that in consideration of the premises, and of the rents, covenants and agreements hereinafter reserved and contained, by and on the part of them, the said Ross, Holmes and Jackson, to be paid, done and performed, the said Atlantic and St. Lawrence Railroad Company, doth hereby demise and lease to them, the said Ross, Holmes and Jackson, the railroad of the said Atlantic and St. Lawrence Railroad Company, as now chartered, located and constructed, commencing at the city of Portland, in the State of Maine, extending thence to the boundary line of the State of New Hampshire, and thence continuing through the State of New Hampshire to and into the State of Vermont, as far as the Common Junction at Island Pond, in the county of Essex, in said State of Vermont, together with all the property and estate, real, personal and mixed, wheresoever the same may be situated, belonging to said Atlantic and St. Lawrence Railroad Company, appurtenant to and designed for the purposes of maintaining and operating said railroad ; including all the stations, warehouses and other buildings, bridges, piers, wharves, shore rights, water rights and harbor privileges belonging to, vested in or possessed by said Atlantic and St. Lawrence Railroad Company, and all the rights of way, and other easements, rights to acquire easements, the road bed, superstructure, equipment, apparatus, implements, rails and other materials and stores, which the said company possesses, claims, holds, occupies and enjoys for the objects of its incorporation, under the charter thereof, according to the schedule of said property and estate hereinafter named and marked "*schedule of property*," also all the tolls, rates, fares, rents and income which the said company is now or may hereafter be entitled to receive and take, and all its right to demand, collect and receive the same, and all the claims of every nature, credits, choses in action, causes of action, appeals and rights of appeal, which shall belong to and be held by said company at the commencement of and during the term herein defined and limited.

To have and to hold the said railroad, property, estate, rights and privileges and all, and singular the premises hereby demised with the appurtenances thereof to them, the said Ross, Holmes and Jackson, and the survivors and survivor of them, in trust, until assignment thereof as hereinafter provided and to their said assigns herein designated, for and during the full term of nine hundred and ninety-nine years, from the first day of July, in the year of our Lord one thousand eight hundred and fifty-three.

Subject to the provisions of all the special acts of the legislatures of the States of Maine, New Hampshire and Vermont respectively, creating, limiting, defining or restraining the rights, privileges, powers and duties of the said Atlantic and St. Lawrence Railroad Company, and to all the provisions

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of the general laws of said States now in force, and which may hereafter be enacted affecting the said company.

Subject also to the provisions of any and all mortgages, grants, leases and conveyances of whatever nature, heretofore executed by said company of its said railroad, property, estate, privileges and rights, or any part thereof, and to all liens and incumbrances now lawfully existing on the same.

Reserving hereupon a yearly rent payable by the said lessees and assigns to the said Atlantic and St. Lawrence Railroad Company, of the sum of one hundred and eight thousand nine hundred dollars, being at the rate of six dollars in the hundred by the year upon the aggregate amount of eighteen thousand one hundred and fifty shares in the capital stock of said Atlantic and St. Lawrence Railroad Company at the par value thereof, being all the shares now lawfully issued and entitled by virtue of existing contracts to be issued, of the said capital stock, except certain collateral shares hereinafter mentioned, to be paid in equal half yearly payments at said Portland, on the thirty-first day of December and thirtieth day of June in every year for and during the term of this lease.

This lease is made and accepted upon the following further terms, covenants and agreements—that is to say :

First. The said lessees are to maintain and operate, and hereby jointly and severally covenant for themselves and the survivors and survivor of them that they will maintain, operate, use and employ the railroad, property, estate, rights and privileges hereby demised, in furtherance of the objects contemplated by the charter of the said Atlantic and St. Lawrence Railroad Company, in the several States within which the same is located and constructed, and in pursuance of all the general and special laws of the States aforesaid affecting the same, and in such manner as to promote the best public convenience and advantage, under said charter and laws, during the term of this lease.

Second. The said lessees further covenant as aforesaid, that they will at all times during the term of this lease, maintain and keep the said railroad, buildings, superstructure, equipment and other property hereby demised and enumerated in the schedule of property aforesaid, and such as may be substituted in pursuance of this indenture, in place of the same, in good and substantial repair and condition, and will from time to time make such alterations, improvements and enlargements of said railroad and its appurtenances, and such additions to and renewals of its buildings, equipment, apparatus and other movable property of every kind as shall be necessary for the most safe, convenient and regular transportation, to the largest practicable amount, of passengers, goods and mails, upon all and every part of the line, and from all the several stations of said railroad, so as to accomplish most effectually the public objects contemplated by the charter of said Atlantic and St. Lawrence Railroad Company, and by the laws of the several States aforesaid affecting the same, and to promote and sustain, most beneficially, all the possible reversionary interests of the said Atlantic and St. Lawrence Railroad Company.

Third. The said lessees are hereby authorized to sell or otherwise dispose of, alter, amend and repair any of the buildings, rails, equipment, apparatus

or other movable property, hereby demised and enumerated in the schedule of property aforesaid, or which may at any time be used or employed in or about said railroad or be appurtenant thereto, so however, that in all such cases, and the said lessees hereby covenant as aforesaid, that, in all such cases, there shall be substituted in place of that which is sold or otherwise disposed of altered, amended or repaired, other property of the like kind, and equally good or better for the like purposes—and the said lessees are hereby further authorized to cause to be made or constructed any new buildings, tracks, rails, apparatus, equipment or other movable property, necessary and beneficial to be used for the purposes of said railroad, and to make any and all improvements, alterations and repairs, renewals and enlargements of said railroad, which may be necessary for the greatest efficiency and use of the same, but not so as to divert the same from its present location, nor to impair the most convenient public use of the same.

Fourth. The said lessees further covenant as aforesaid, that they will duly pay the rent herein reserved, at the times and in the manner herein provided, without demand of the same, and will duly pay all taxes which may lawfully be assessed in any jurisdiction, and for any purpose, upon any and all the corporate property, rights, estate and franchise of the said Atlantic and St. Lawrence Railroad Company.

Fifth. The said lessees further covenant as aforesaid, that they will assume, provide for, satisfy and fully discharge all the debts, liabilities and obligations of the said Atlantic and St. Lawrence Railroad Company, which are over and above the funded debt hereinafter mentioned, and which are enumerated in the schedule thereof hereinafter named, and marked "*schedule of debts*," and all the debts, liabilities and obligations, if any, which may hereafter during the term of this lease by implication of law, arise against and be due from said company, and will fully and forever guarantee, indemnify, save and hold harmless the said Atlantic and St. Lawrence Railroad Company and the stockholders thereof against all liability for principal or interest on account of any mortgage bonds heretofore issued by said company, and on account of any bonds, mortgages, obligations or assurances heretofore given by said company to the city of Portland, to secure the said city for the loan of its credit to said company.

Sixth. The said lessees further covenant as aforesaid, that they will forever guarantee, indemnify, save and hold harmless the said company against all liability for payment of principal or interest of the certificates of loan heretofore issued by said city to said Atlantic and St. Lawrence Railroad Company, in aid of the construction of said railroad, and against all costs and expenses arising from any suit or legal proceeding instituted by any holder of such certificates, and will undertake and perform all the duties and assume all the liabilities imposed upon the said Atlantic and St. Lawrence Railroad Company by the several acts of the legislature of Maine, authorizing the said city to issue the certificates aforesaid, and will duly provide for and make all such contributions and payments as the said Atlantic and St. Lawrence Railroad Company is by law required to make to the several sinking funds, created and established by acts of the legislature of Maine for the reimbursement of the loans, or any part of the loans so made by the city of Portland.

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Seventh. The said lessees further covenant, as aforesaid, that they will, from and after the execution of this indenture, assume the defence of all suits, actions, complaints and prosecutions, which may then be pending, or which may thereafter be brought against the said Atlantic and St. Lawrence Railroad Company, or any of its officers, servants or agents, for anything by them done, under authority and in behalf of said company, and will indemnify and save harmless the said company, and the stockholders thereof, against all costs and expenses incurred in such defence, and against any and all judgments which may be recovered in such suits, actions and prosecutions, and will indemnify, save and hold harmless, the said Atlantic and St. Lawrence Railroad Company, and the stockholders thereof, against all claims, actions, damage and liability, on account of anything which may be done or omitted by the said lessees, or any of them, while exercising, or assuming to exercise any of their powers and rights, under this indenture, and on account of any and all acts, omissions or neglects of any kind, in any manner done or suffered by the said lessees or any of their servants or agents.

Eighth. The said lessees further covenant, as aforesaid, that they will, on or before the expiration of every year during the term of this lease, pay to the said Atlantic and St. Lawrence Railroad Company, the sum of five hundred dollars, for all such necessary expenses as the company may incur, within the year aforesaid, for the compensation of such officers as may be required in maintaining the organization of said company, for incidental charges attending the holding of its corporate meetings, and for all necessary proceedings, in maintaining and preserving its corporate powers.

Ninth. The said lessees further covenant, as aforesaid, that they will never underlet nor assign this lease, or any part of their term therein, except by assignment to said Grand Trunk Railway Company, as hereinafter provided, and that they will at all times do, observe and perform, whatever may be lawfully and reasonably required on their part to be done, observed and performed, to uphold, protect and maintain the franchise, rights and interests of said Atlantic and St. Lawrence Railroad Company, and that they will not do, nor voluntarily suffer anything to be done, which shall lead or tend to a forfeiture of the franchise of said Atlantic and St. Lawrence Railroad Company, or in any manner impair the value of the same.

Tenth. And, whereas the said Atlantic and St. Lawrence Railroad Company, and the St. Lawrence and Atlantic Railroad Company, a corporation established by the legislature of the Province of Canada, and designed to effect, through the connection of the respective railroads of said companies, a communication between the city of Portland and the city of Montreal, by a certain instrument or fundamental articles of mutual agreement, entered into by them, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and forty-six, established certain mutual regulations, providing, amongst other things, for the mode and terms of transacting the joint business upon said railroads, and for the government of said companies in relation thereto, and the said St. Lawrence and Atlantic Railroad Company has since that time been consolidated into, and become a part of the said Grand Trunk Railway Company :

Now the said lessees further covenant, as aforesaid, that they will at all

times faithfully observe and do whatever remains executory, subsisting and unperformed, of the agreements and regulations, so entered into and adopted by the said St. Lawrence and Atlantic Railroad Company, and consistent with the relations of the parties to this lease, and that, in the event of a surrender or forfeiture of this lease, the said Grand Trunk Railway Company shall and will, nevertheless, assume, perform and continue to perform and observe, all the agreements and regulations so entered into and adopted by the said St. Lawrence and Atlantic Railroad Company, and then remaining executory, subsisting and unperformed.

Eleventh. If the said lessees shall at any time fail to pay the rent herein reserved, as the same shall become payable, and shall suffer the same to be in arrears more than sixty days, from and after the time the same became payable, they shall, upon such failure and suffering the said rent to be in arrears, be liable, without any demand or notice by the said Atlantic and St. Lawrence Railroad Company, to suffer the forfeiture of this lease, as hereinafter provided.

If the said lessees shall, at any time, fail to pay the interest, which shall become due and payable upon any of the certificates of loan, issued by the city of Portland, as hereinbefore mentioned, or shall neglect or omit to pay the principal of any of said certificates, for more than six months after the maturity thereof, they shall, upon such failure, or such neglect and omission, be liable, without any demand or notice by the said Atlantic and St. Lawrence Railroad Company, or any person or corporation interested therein, to suffer the forfeiture of this lease, as hereinafter provided.

If the said lessees shall at any time fail to pay the interest, which shall become due and payable, upon any of the mortgaged bonds heretofore issued by the said Atlantic and St. Lawrence Railroad Company, or shall neglect or omit to pay the principal of any of said mortgage bonds, for more than six months after the maturity thereof, the said lessees shall, upon such failure, or such neglect and omission, be liable, without any demand or notice by the said Atlantic and St. Lawrence Railroad Company, or any holder of said mortgage bonds, to suffer the forfeiture of this lease, as hereinafter provided.

But, these stipulations and agreements for forfeiture, so far as relates to the certificates of loan, aforesaid, issued by the city of Portland, and to the mortgage bonds, aforesaid, are to be understood and taken as subject to the provision, that if said lessees shall duly provide the requisite funds for the payment of the principal and interest, which shall become due and payable at any time, upon the certificates of loan and mortgage bonds aforesaid, and shall deposit such funds with some suitable depository, at the times and places, when and where such principal or interest shall be payable, according to the tenor of the certificates and bonds aforesaid, payable on demand to the holders thereof, and shall give reasonable public notice of such deposit, then the said lessees shall not be accountable for, nor liable to suffer any forfeiture, by reason of any delay on the part of the holders of such certificates and bonds to demand and accept payment of the principal or interest due thereon, but shall, nevertheless, be and remain liable at all events, for the fidelity of the depository with whom such funds shall be deposited, and for the security and proper application of the same.

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If the said lessees shall fail to pay and discharge the debts, liabilities and obligations of the said Atlantic and St. Lawrence Railroad Company, which are over and above the funded debt hereinafter mentioned, and which are enumerated in the schedule of debts hereinafter named, and shall suffer such debts, liabilities and obligations to be in arrears and unpaid to an amount equal to twenty-five thousand dollars, for more than ninety days after the maturity of that amount in the aggregate, and after notice of such arrears given by authority of the directors of said Atlantic and St. Lawrence Railroad Company to the said lessee, or any of them, or to any officer of said Grand Trunk Railway Company, at the principal office of said company in Canada, the said lessees shall, upon such failure and suffering such arrears to remain for the time aforesaid, be liable to suffer the forfeiture of this lease as hereinafter provided.

Twelfth. In the event of any failure, neglect and omission by the said lessees or the survivors or survivor of them or their assigns, hereinafter designated, to make the payments provided for and specified in the eleventh article hereof, as therein required, and which failure, neglect, omission and the suffering of such payments to be in arrears, it is therein declared, shall render the said lessees liable to suffer the forfeiture of this lease, the said Atlantic and St. Lawrence Railroad Company, into and upon all the said railroad, property and estate hereby demised, and into and upon all the said improvements thereof, and property substituted therefor, or into and upon any part thereof in the name of the whole, shall have the right immediately or at any time thereafter, without other notice or demand than is hereinbefore provided, to re-enter and take and hold possession of the same, and use and operate the same, and take the income and profits thereof, and the said lessees and all their servants and agents to dispossess and remove, and may at the time of such re-entry or at any time thereafter, give written notice to the said lessees or any of them, or to the said Grand Trunk Railway Company, that it holds the said railroad property, estate and improvements for the purpose of effecting the determination of this lease and enforcing the forfeiture thereof, for the specified breach or breaches of covenant for which such entry was made; which written notice shall be sufficient, if delivered by authority of the directors of said Atlantic and St. Lawrence Railroad Company, to any one of said lessees or to any officer of the said Grand Trunk Railway Company at the principal office of said company in Canada, or in case of inability to deliver notice as aforesaid, by publishing such notice for two weeks, in some public journal in the city of Montreal. If the said lessees shall not, within eighteen months after the delivery of notice or the last publication thereof as aforesaid, repair, supply and make good all the deficiency and breach of covenant for which such entry was made, with interest for the time of such deficiency upon the sum or sums unpaid and in arrears, all the estate, rights, and interests of the said lessees shall be absolutely determined and forfeited, and the said Atlantic and St. Lawrence Railroad Company shall have and hold all the said railroad property and estate demised, and all the improvements thereof and property substituted therefor, and all the income thereof, as in and of its former estate and to its own use, without liability to account to said lessees for any of said property, estate, improvements, substitutions

or income, or to refund or reimburse to said lessees any sum by them before that time advanced, paid or applied in fulfilment or part fulfilment of any of the covenants and agreements herein expressed. But if the said lessees and the survivors and survivor of them and their assigns hereinafter designated, shall at any time after such entry for breach of covenant and before the expiration of eighteen months aforesaid, from the delivery or publication of notice aforesaid, repair, supply and make good all the deficiency and breach of covenant for which such entry was made, with interest as aforesaid, then the said lessees and the survivors and survivor of them, and their assigns aforesaid, shall be restored to the possession, use and enjoyment of all the demised premises and the improvements thereof and property substituted therefor as fully and amply, and to all intents and purposes as if no such deficiency and breach of covenant had occurred, and the said Atlantic and St. Lawrence Railroad Company shall restore, and hereby covenants that it will restore and yield possession as aforesaid, and will account for and pay to the said lessees and the survivors and survivor of them and their assigns aforesaid, all the net profits and income received by the said Atlantic and St. Lawrence Railroad Company by virtue of its entry and possession aforesaid.

Thirteenth. The said Atlantic and St. Lawrence Railroad Company on its part hereby covenants, that it shall and may be lawful to and for the said lessees and the survivors and survivor of them and their assigns aforesaid, paying the rent herein reserved, and providing for, and making all the other payments required and provided for in the eleventh article hereof, peaceably and quietly to have, hold, use, occupy and enjoy all and singular the premises hereby demised, with the appurtenances, for and during the said term of nine hundred and ninety-nine years hereby demised, without any molestation whatsoever of or by the said Atlantic and St. Lawrence Railroad Company or assigns, or any person or persons lawfully or equitably claiming or to claim, by, from, or under said company.

Fourteenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that it will during the term hereby demised, uphold and maintain the lawful organization of said company, and will do all things on its part required to be done to uphold and save inviolate the charter and franchise thereof; and will, from time to time, elect and appoint all such officers, agents and servants, as it may by law be required to elect and appoint for the purpose of so maintaining its organization, charter and franchise, and will invest them with such powers and duties as may be necessary to secure and maintain the corporate efficiency of said company according to law.

Fifteenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that after the execution of this lease and until the determination thereof, it will not, without or beyond the request and consent of the said lessees, issue any further shares in the capital stock of said Atlantic and St. Lawrence Railroad Company beyond the number of shares now lawfully issued, or entitled by virtue of existing contracts to be issued, as hereinbefore mentioned, and will not after the execution of this lease and until the determination thereof, without or beyond the consent of the said lessees create any new debt against said Atlantic and St. Lawrence Railroad Company, nor issue or deliver any previously executed evidence of debt for which the said

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If the said lessees shall fail to pay and discharge the debts, liabilities and obligations of the said Atlantic and St. Lawrence Railroad Company, which are over and above the funded debt hereinafter mentioned, and which are enumerated in the schedule of debts hereinafter named, and shall suffer such debts, liabilities and obligations to be in arrears and unpaid to an amount equal to twenty-five thousand dollars, for more than ninety days after the maturity of that amount in the aggregate, and after notice of such arrears given by authority of the directors of said Atlantic and St. Lawrence Railroad Company to the said lessee, or any of them, or to any officer of said Grand Trunk Railway Company, at the principal office of said company in Canada, the said lessees shall, upon such failure and suffering such arrears to remain for the time aforesaid, be liable to suffer the forfeiture of this lease as hereinafter provided.

Twelfth. In the event of any failure, neglect and omission by the said lessees or the survivors or survivor of them or their assigns, hereinafter designated, to make the payments provided for and specified in the eleventh article hereof, as therein required, and which failure, neglect, omission and the suffering of such payments to be in arrears, it is therein declared, shall render the said lessees liable to suffer the forfeiture of this lease, the said Atlantic and St. Lawrence Railroad Company, into and upon all the said railroad, property and estate hereby demised, and into and upon all the said improvements thereof, and property substituted therefor, or into and upon any part thereof in the name of the whole, shall have the right immediately or at any time thereafter, without other notice or demand than is hereinbefore provided, to re-enter and take and hold possession of the same, and use and operate the same, and take the income and profits thereof, and the said lessees and all their servants and agents to dispossess and remove, and may at the time of such re-entry or at any time thereafter, give written notice to the said lessees or any of them, or to the said Grand Trunk Railway Company, that it holds the said railroad property, estate and improvements for the purpose of effecting the determination of this lease and enforcing the forfeiture thereof, for the specified breach or breaches of covenant for which such entry was made; which written notice shall be sufficient, if delivered by authority of the directors of said Atlantic and St. Lawrence Railroad Company, to any one of said lessees or to any officer of the said Grand Trunk Railway Company at the principal office of said company in Canada, or in case of inability to deliver notice as aforesaid, by publishing such notice for two weeks, in some public journal in the city of Montreal. If the said lessees shall not, within eighteen months after the delivery of notice or the last publication thereof as aforesaid, repair, supply and make good all the deficiency and breach of covenant for which such entry was made, with interest for the time of such deficiency upon the sum or sums unpaid and in arrears, all the estate, rights, and interests of the said lessees shall be absolutely determined and forfeited, and the said Atlantic and St. Lawrence Railroad Company shall have and hold all the said railroad property and estate demised, and all the improvements thereof and property substituted therefor, and all the income thereof, as in and of its former estate and to its own use, without liability to account to said lessees for any of said property, estate, improvements, substitutions

or income, or to refund or reimburse to said lessees any sum by them before that time advanced, paid or applied in fulfilment or part fulfilment of any of the covenants and agreements herein expressed. But if the said lessees and the survivors and survivor of them and their assigns hereinafter designated, shall at any time after such entry for breach of covenant and before the expiration of eighteen months aforesaid, from the delivery or publication of notice aforesaid, repair, supply and make good all the deficiency and breach of covenant for which such entry was made, with interest as aforesaid, then the said lessees and the survivors and survivor of them, and their assigns aforesaid, shall be restored to the possession, use and enjoyment of all the demised premises and the improvements thereof and property substituted therefor as fully and amply, and to all intents and purposes as if no such deficiency and breach of covenant had occurred, and the said Atlantic and St. Lawrence Railroad Company shall restore, and hereby covenants that it will restore and yield possession as aforesaid, and will account for and pay to the said lessees and the survivors and survivor of them and their assigns aforesaid, all the net profits and income received by the said Atlantic and St. Lawrence Railroad Company by virtue of its entry and possession aforesaid.

Thirteenth. The said Atlantic and St. Lawrence Railroad Company on its part hereby covenants, that it shall and may be lawful to and for the said lessees and the survivors and survivor of them and their assigns aforesaid, paying the rent herein reserved, and providing for, and making all the other payments required and provided for in the eleventh article hereof, peaceably and quietly to have, hold, use, occupy and enjoy all and singular the premises hereby demised, with the appurtenances, for and during the said term of nine hundred and ninety-nine years hereby demised, without any molestation whatsoever of or by the said Atlantic and St. Lawrence Railroad Company or assigns, or any person or persons lawfully or equitably claiming or to claim, by, from, or under said company.

Fourteenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that it will during the term hereby demised, uphold and maintain the lawful organization of said company, and will do all things on its part required to be done to uphold and save inviolate the charter and franchise thereof; and will, from time to time, elect and appoint all such officers, agents and servants, as it may by law be required to elect and appoint for the purpose of so maintaining its organization, charter and franchise, and will invest them with such powers and duties as may be necessary to secure and maintain the corporate efficiency of said company according to law.

Fifteenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that after the execution of this lease and until the determination thereof, it will not, without or beyond the request and consent of the said lessees, issue any further shares in the capital stock of said Atlantic and St. Lawrence Railroad Company beyond the number of shares now lawfully issued, or entitled by virtue of existing contracts to be issued, as hereinbefore mentioned, and will not after the execution of this lease and until the determination thereof, without or beyond the consent of the said lessees create any new debt against said Atlantic and St. Lawrence Railroad Company, nor issue or deliver any previously executed evidence of debt for which the said

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company shall not have received value at the date of the execution of this lease, nor voluntarily do any act whereby any obligation or indebtedness shall result against said company ; but may, nevertheless, execute and deliver any new evidence of debt for indebtedness now existing, or in liquidation of subsisting contracts.

Sixteenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that the said lessees shall be entitled to, and shall have all the benefit and advantage secured by law to the said Atlantic and St. Lawrence Railroad Company, arising or to arise from the establishment and operation of the several sinking funds created, as hereinbefore mentioned, for the redemption and reimbursement of the certificates of loan heretofore issued by the city of Portland as aforesaid, and shall be entitled to use and enjoy all the remedies which the said Atlantic and St. Lawrence Railroad Company has, or may have, to secure the proper custody and management of said funds, and to use the name of the said Atlantic and St. Lawrence Railroad Company whenever necessary for the enforcement of such remedies.

Seventeenth. The said Atlantic and St. Lawrence Railroad Company further covenants, that it will on its part observe and keep all the agreements and regulations established and adopted, in and by the fundamental articles hereinbefore mentioned, entered into between the said company and the Atlantic and St. Lawrence Railroad Company, under date of April 17th, 1846, and now remaining executory, subsisting and unperformed.

Eighteenth. In further consideration of the premises, the said Atlantic and St. Lawrence Railroad Company hereby assigns to the said lessees all the contracts, bonds, notes, accounts, choses in action, claims, actions and causes of action, judgments, appeals and rights of appeal, which the said Atlantic and St. Lawrence Railroad Company now possesses, or to which it is entitled, and hereby constitutes the said lessees and the survivors and survivor of them, its attorney irrevocable, until the determination of this lease, with authority to appoint the said Grand Trunk Railway Company their substitute, and with power in the name of said assignor, but to the use and at the cost of the assignees to demand, sue for, prosecute, enforce, satisfy, recover and enjoy all the contracts and other things hereby assigned, and in like manner in the name of the said Atlantic and St. Lawrence Railroad Company, but at the cost and to the use of the said assignees, to prosecute all causes of action which may hereafter during the term of this lease, accrue to the said Atlantic and St. Lawrence Railroad Company, against any person or corporation, other than the said lessees and any person or corporation, claiming or acting by or under their authority, or authority, from them derived.

Nineteenth. The said Atlantic and St. Lawrence Railroad Company hereby further covenants, that it will at all times hereafter, grant to the said lessees, all such access to and inspection of the books, accounts, title deeds, records, files and vouchers of the said Atlantic and St. Lawrence Railroad Company, as may be necessary to facilitate the operations, and secure the interests of the said lessees, under this indenture.

Twentieth. The Atlantic and St. Lawrence Railroad Company hereby

declares its consent, that the lessees herein named, and the survivors and survivor of them, whenever and so soon as the said Grand Trunk Railway Company shall have the requisite authority to accept an assignment of this lease, may assign the same to said company, with all the rights, title and interest of the said lessees therein, and with all their privileges and powers under the same : and the said lessees hereby jointly and severally covenant, that whenever such authority shall be so acquired by the said Grand Trunk Railway Company, they and the survivors and survivor of them will, within one year thereafter, execute in due form of law, and deliver a valid and effective assignment of this lease, and of all their right, title and interest therein, and of all their powers and privileges under the same, to the said Grand Trunk Railway Company, to have and to hold to said company, for all the time then remaining unexpired of the term herein demised, and will surrender, yield and make over to said company all their possession in and of the railroad, property and estate hereby demised, and all things whatsoever, by them acquired and held under this lease, appurtenant to said railroad property and estate, and used for the purposes thereof.

Upon the execution and delivery of such assignment, and acceptance of the same by the said Grand Trunk Railway Company, the said company shall thereby assume, all the obligations of said lessees under this instrument, and shall be holden and bound to keep and perform all the covenants and agreements of the said lessees, herein expressed, and to comply with all the conditions, and be subject to all the liabilities, which by this instrument are imposed upon the lessees herein named, as fully and to all intents and purposes, as if the said Grand Trunk Railway Company had been the original lessee under this indenture, and party to the same, and shall in like manner, be holden to supply, restore and make good, all breaches of any of the covenants hereof, by the said lessees, or any of them, before such assignment committed or suffered.

And the said Atlantic and St. Lawrence Railroad Company further covenants, that if such assignment shall be made and accepted, as aforesaid, within the period of two years from the twenty-ninth day of March, hereinbefore named, it will, upon the request of the said Grand Trunk Railway Company, execute and deliver to said Grand Trunk Railway Company, any suitable instruments or instrument, for the confirmation and assurance of the same, and for confirming and securing to the Grand Trunk Railway Company, all the title, rights and interests, powers and privileges, by this indenture demised to said lessees and their assigns, hereby designated.

Twenty-first. If the said lessees, or any of them, or the survivors or survivor of them, shall, upon the request of the Grand Trunk Railway Company, for an assignment of this lease, as aforesaid, refuse, or for more than sixty days after such request, neglect to make and deliver such assignment, they shall, upon such refusal or neglect, suffer the forfeiture of all their rights, title, interest and estate, in and under the present lease, and the said Atlantic and St. Lawrence Railroad Company, may thereupon, without demand or notice, re-enter upon the premises demised, and the said lessees, their agents and servants, may dispossess and amove, and

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have and hold the said premises, as in and of its former estate, as fully, and to all intents and purposes, as in case of forfeiture, for any of the causes hereinbefore provided. *But*, with the intent, nevertheless, that in case of such forfeiture and re-entry, the said Atlantic and St. Lawrence Railroad Company will, notwithstanding, secure, maintain and uphold, to the said Grand Trunk Railway Company, all the beneficial interest of the said Grand Trunk Railway Company, in and to the premises hereby demised, and will make, execute and deliver to the said Grand Trunk Railway Company, all such legal title, and evidence of legal title in and to the said premises, as may be suitable in the law, and practicable to be made, in the manner hereinafter provided, or in any other suitable manner, to effect the objects and purposes of the said two companies, in this instrument expressed and set forth.

Twenty-second. If such forfeiture, as aforesaid, shall take place, by reason of the refusal or neglect of said lessees to make the assignment aforesaid, or if the said Grand Trunk Railway Company shall, instead of the assignment hereinbefore provided for, elect to enter into, become party to, and accept a new indenture of lease, whereby the said premises shall be originally and directly demised to said Grand Trunk Railway Company, and shall, within two years from the twenty-ninth day of March, aforesaid, give notice to the said Atlantic and St. Lawrence Railroad Company of its election aforesaid, the said Atlantic and St. Lawrence Railroad Company will make and enter a new indenture of lease, in substance upon the same terms, covenants, reservations, conditions and agreements as are herein expressed, *mutatis mutandis*, between the said Atlantic and St. Lawrence Railroad Company on the one part, and the said Grand Trunk Railway Company on the other part, demising and leasing to the said Grand Trunk Railway Company, all the railroad, property, rights and estate hereby demised, to have and to hold to said Grand Trunk Railway Company, for the full term of nine hundred and ninety-nine years, from the first day of July aforesaid, and upon the execution and interchange of such new indenture, so entered into, upon the election of the Grand Trunk Railway Company, as aforesaid, all the estate, rights and title of the said lessees, parties to the present indenture, shall *ipso facto* be determined and cease, and all their possession under the same, and all the property, improvements, funds, income, benefits and advantages by them acquired and held under the same, shall be *ipso facto* surrendered, yielded and made over to the said Grand Trunk Railroad Company, to its own use and behoof.

But nothing done by virtue of any of the provisions aforesaid, relating to the assignment of this lease, or the entering into a new indenture of lease, shall be a waiver of any action, or cause of action, which the said Atlantic and St. Lawrence Railroad Company may have against said lessees, or any of them, for any thing by them, or any of them, before that time done, omitted or suffered.

Twenty-third. And whereas the city of Portland, by virtue of the provisions of two of the several acts hereinbefore mentioned, authorizing the loan of the credit of said city, in aid of the construction of the railroad of said company, which two acts were passed respectively, on the first

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day of August, 1848, and the twenty-seventh day of July, 1850, is the holder of fifteen thousand shares in the capital stock of the said Atlantic and St. Lawrence Railroad Company, issued and transferred to said city as collateral security for liabilities in said acts created, which collateral shares are not comprised in the number of eighteen thousand one hundred and fifty shares, hereinbefore enumerated, the said lessees further covenant, as aforesaid, that, if at any time, any of the shares so held as collateral security, shall be sold and transferred by direction of commissioners, as in said acts is authorized, they will thereafter pay to the said Atlantic and St. Lawrence Railroad Company, such additional yearly rent, as shall be equal to six dollars in the hundred, by the year, upon the aggregate amount of all such shares, as shall be sold and transferred, as aforesaid, at the par value thereof, to be paid in equal half-yearly payments at said Portland, on the thirty-first day of December, and the thirtieth day of June, in every year, for and during the term of this lease; and all the provisions of this indenture, hereinbefore expressed, relating to and securing the payment of the rent hereinbefore reserved, shall be applicable to the payment of the additional rent hereby contingently reserved and made payable.

Twenty-fourth. If the said Grand Trunk Railway shall not, within eighteen months from the date of this indenture, obtain the requisite legislative authority to enable it to accept an assignment of this lease, or to become party to a new indenture of lease as hereinbefore provided, the said lessees and the survivors and survivor of them, shall be entitled, at any time thereafter, to surrender this lease to the said Atlantic and St. Lawrence Railroad Company, and to relinquish and yield to said Atlantic and St. Lawrence Railroad Company, all their possession of the railroad and property hereby demised and the improvements thereof, and property substituted therefor: which surrender shall be by writing delivered or tendered to any member of the board of directors of said Atlantic and St. Lawrence Railroad Company. Upon such delivery or tender of a written surrender, and such relinquishment and yielding of possession as aforesaid, the said lessees and all of them shall be thereupon wholly discharged from all further liability, covenant and obligation under this indenture, and the said Atlantic and St. Lawrence Railroad Company hereby covenants, that upon and after such delivery or tender of a written surrender and relinquishment of possession as aforesaid, it will never make any claim or prosecute any action against said lessees or any of them, on account of anything in this indenture contained, saving nevertheless all actions and causes of action for any breach of covenant by them, or any of them, before that time committed or suffered.

Upon the surrender of this lease as aforesaid, the said Atlantic and St. Lawrence Railroad Company hereby covenants, that it will repay in the manner hereinafter provided, all the expenditures which shall have been made by said lessees for such improvements of the property demised and enlargements thereof, suited for the operation and use of said railroad, and made within the period of eighteen months in this article mentioned, as shall have been assented to by resolution of the directors of said Atlantic and St. Lawrence Railroad Company at the time of entering upon

said improvements and enlargements: and will pay therefor in cash or by issuing and delivering, the bonds of said company to the necessary amount as hereinafter provided.

Twenty-fifth. Upon the surrender of this lease as provided in the next preceding article hereof, the said Atlantic and St. Lawrence Railroad Company further covenants, that it will repay to the said lessees and the survivors and survivor of them, all such sums as the said lessees shall have paid before that time in payment, satisfaction and discharge of any of the debts, liabilities and obligations of said company, other than the funded debt of said company and interest thereon, and payments made by said lessees to the sinking funds aforesaid, which funded debt is hereinafter limited and described at the sum of three millions four hundred and eighty-five thousand dollars, and will pay therefor in the manner hereinafter provided, with interest upon all the sums so paid by said lessees from the dates of the several payments thereof, until the expiration of the period of eighteen months, mentioned in the next preceding article hereof, and no longer.

Upon such surrender, as aforesaid, the said lessees further covenant as aforesaid, that they and the survivors and survivor of them will account for, repay and deliver to said Atlantic and St. Lawrence Railroad Company, all the sums of money received by them from said company under this indenture, and all the proceeds realized by them from any of the contracts or other things assigned to said lessees by the eighteenth article hereof; and will re-assign and deliver to said company all such of the contracts and other things assigned as aforesaid, as shall not have been before that time converted into money or otherwise liquidated and settled.

The balance, if any, which shall be due from said Atlantic and St. Lawrence Railroad Company to the said lessees upon the mutual accounting between said parties provided for in this, and the preceding article hereof, shall be paid by said company in cash, or at the option of said company in the bonds of said company, to be made and delivered to said lessees and the survivors and survivor of them, for the discharge of such balance: which bonds shall be in convenient sums in sterling money, at four dollars and eighty-four cents to the pound, payable in twenty-five years, in London, in England, to the holder thereof, with interest payable semi-annually in London aforesaid, at the rate of six dollars in the hundred by the year.

Twenty-sixth. For the purpose of raising funds to be applied towards the discharge of the debts, liabilities and obligations of the said Atlantic and St. Lawrence Railroad Company, mentioned in the fifth article hereof, other than the loans of the credit of the city of Portland, amounting to the sum of two millions of dollars, and the mortgage bonds of said company amounting to the sum of one million of dollars, referred to in said article, and for the purpose of establishing and limiting the whole funded debt of said company at the sum of three millions four hundred eighty-five thousand dollars, the said Atlantic and St. Lawrence Railroad Company further covenants, that it will, without delay, issue its further bonds to the amount of four hundred eighty-five thousand dollars; which bonds shall be made in sterling money at four dollars and eighty-four cents to

the pound, in sums of five hundred pounds each, as nearly as may be, payable in twenty-five years, in London, in England, to the holder thereof, with interest payable semi-annually in London, aforesaid, at the rate of six dollars in the hundred, by the year, and shall not be sold or disposed of at less than the par value thereof, without first giving to the said lessees the right to purchase the same at par, and the said lessees hereby covenant as aforesaid, that upon such offer they will purchase the same at par. And the proceeds of such bonds shall be applied by said Atlantic and St. Lawrence Railroad Company, in payment and discharge of that amount of the debts, liabilities and obligations aforesaid.

If the said bonds of the company shall be sold and disposed of as aforesaid, and this lease shall not be surrendered as provided in the twenty-fourth article hereof, the said lessees hereby covenant as aforesaid, that they will fully and forever indemnify, guarantee, save and hold harmless the said company against all liability for principal or interest on account of such bonds, and all the provisions contained in the eleventh and twelfth articles hereof, relating to the forfeiture of this lease, for default of any of the payments therein mentioned, shall be applicable to the payment of the principal and interest, which may be due upon the bonds by this article provided for.

Nothing in this instrument contained is intended, or is to be taken as impairing or affecting in any manner any previously existing rights or interests of the city of Portland, in and to the railroad and property hereby demised.

The two several schedules hereinbefore referred to, and marked respectively "schedule of property" and "schedule of debts," are drawn in duplicate of even date with these presents, and identified by the signatures of the parties hereto, and may be referred to and made available to either party to the same effect as if the same were annexed to and formed a part of this indenture.

In testimony whereof, the Hon. John Ross, Benjamin Holmes and William Jackson, Esquires, aforesaid, have severally set their hands and seals to this indenture in duplicate, and the Atlantic and St. Lawrence Railroad Company, by Josiah S. Little, the president thereof, duly authorized for this purpose by a vote of the directors, of which a certified copy is hereto annexed, has subscribed the same and caused the corporate seal of said company to be hereunto affixed, this fifth day of August, in the year of our Lord one thousand eight hundred and fifty-three.

JOSIAH S. LITTLE, [L. s.]

President of the A. & St. L. R. R. Co.,

BENJ. HOLMES, [L. s.]

WM. JACKSON, [L. s.]

JOHN ROSS, [L. s.]

Signed, sealed and delivered, in the presence of the undersigned witnesses.

P. BARNES, of Portland, aforesaid.

A. ROBERTSON, of Montreal, aforesaid, advocate.

Countersigned by

CHAS. E. BARRETT, *Treasurer of the A. & St. L. R. R. Co.,*

B. CUSHMAN, *Clerk.*

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The undersigned, the Mayor and Aldermen of the city of Portland, in pursuance of the third section of the act of the Legislature of Maine, passed on the 29th day of March, 1853, entitled "an act to authorize a lease of the Atlantic and St. Lawrence Railroad," hereby express their assent to the foregoing lease, and have severally subscribed their signatures upon this instrument, this fifth day of August, 1853.

JAMES B. CAHOON, Mayor.
RUFUS E. WOOD,
GEO. PEARSON,
GEO. W. WOODMAN,
O. L. SANBORN,
JACOB McLELLAN,
JONAS H. PERLEY,
S. L. CARLETON.

ASSIGNMENT OF LEASE.

This instrument of transfer, assignment and release, made and executed this ninth day of February, 1855, by and between the Hon. John Ross, heretofore of Belleville, now of the city of Quebec, in the province of Canada, Benjamin Holmes, Esq., of Montreal, in said province, and William Jackson, Esq., of Birkenhead, England, acting herein by his attorney, the Hon. John Ross, aforesaid, of the first part, and the Grand Trunk Railway Company of Canada, acting herein by the Hon. Francis Hincks of Quebec, in said province, duly authorized for the purpose, of the second part.

Witnesseth—That whereas, under and by virtue of a certain indenture of lease, executed and dated the fifth day of August, in the year of our Lord one thousand eight hundred and fifty-three, the "Atlantic and St. Lawrence Railroad Company," a corporation established by the Legislature of the State of Maine, did demise and lease, for the term of nine hundred and ninety-nine years, commencing from the first day of July, one thousand eight hundred and fifty-three, subject to the payment of the rent, and upon the terms and conditions in such indenture of lease contained, to them, the above named Hon. John Ross, William Jackson and Benjamin Holmes, the railroad of the said Atlantic and St. Lawrence Railroad Company, as then chartered, located and constructed, commencing at the city of Portland, in the State of Maine, extending thence to the boundary line of the State of New Hampshire, and thence continued through the State of New Hampshire to and into the State of Vermont, as far as to the Common Junction at Island Pond, in the county of Essex, in the said State of Vermont, together with all the property and real estate, real, personal and mixed, wheresoever the same might be situated, belonging to said Atlantic and St. Lawrence Railroad Company, appurtenant to and designed for the purposes of maintaining and operating said

railroad, including all the stations, warehouses, and other buildings, bridges, piers, wharves, shore-rights, water-rights and harbor privileges, belonging to, vested in, or possessed by the said Atlantic and St. Lawrence Railroad Company, and all the rights of way, and other easements, rights to acquire easements, the road bed, superstructure, equipment, apparatus, implements, rails and other materials and stores, which the said company possessed, claimed, held, occupied and enjoyed, for the objects of its incorporation, under the charter thereof, according to the schedule of said property and estate, in the said lease named and marked "schedule of property ;" also all the tolls, rates, fares, rents and incomes, which the said company was then or might thereafter be entitled to receive and take, and all its rights to demand, collect and receive the same, and all the claims of every nature, credits, choses in action, causes of action, appeals and rights of appeal, which belonged to and were held by said company at the commencement of and during the term in the said lease defined and limited, together with all the rights and privileges acquired, and to be acquired, through the exercise of the corporate powers of the said Atlantic and St. Lawrence Railroad Company.

And whereas, it is covenanted and agreed in and by the said lease among other things, that the said Hon. John Ross, William Jackson and Benjamin Holmes, the said party hereto of the first part, and the survivors and survivor of them, whenever and so soon as the said "Grand Trunk Railway Company," party hereto of the second part, should have, from the Legislature of Canada, the requisite authority to accept an assignment of said lease, might assign the same to the said company, party hereto of the second part, with all the rights, title and interest of the said lessees, party hereto of the first part, and with all their privileges and powers under said lease ;

And whereas, by and in virtue of the said lease, the said party hereto of the first part, did covenant and agree, that whenever such authority should be so acquired by the said Grand Trunk Railway Company of Canada, party hereto, of the second part, they, the said Hon. John Ross, William Jackson and Benjamin Holmes, and the survivors and survivor of them, would, within one year thereafter, execute in due form of law, and deliver, a valid and effective assignment of all their rights, title and interest therein, and of all their powers and privileges under the same, to the said Grand Trunk Railway Company of Canada, to have and to hold unto the said company, for all the time then remaining unexpired of the term of said lease, demised, and would surrender, yield and make over to said company, all their possession in and of the railroad property and estate thereby demised, and all things whatsoever, by the said lessees, party hereto, of the first part, acquired and held under said lease, appurtenant to said railroad property and estate, and used for the purposes thereof ;

And whereas, by and in virtue of the said lease, it was further covenanted and agreed, that upon the execution and delivery of such assignment to, and acceptance of the same, by the said Grand Trunk Railway Company of Canada, the said company should thereby assume all the obligations of the said John Ross, William Jackson and Benjamin Holmes,

under the said indenture or instrument of lease, and should be holden and bound to keep and perform all the covenants and agreements of the said lessees, in the said lease expressed, and to comply with all the conditions, and be subject to all the liabilities, which by said indenture of lease were imposed upon the said Hon. John Ross, William Jackson and Benjamin Holmes, as lessees aforesaid, as fully, and to all intents and purposes, as if said Grand Trunk Railway Company of Canada, had been the original lessee under said indenture of lease, and party to the same ;

And whereas, the said Grand Trunk Railway Company of Canada, under and by virtue of a certain act of the legislature of the province of Canada, passed in the eighteenth year of Her Majesty's reign, chapter 33, entitled "an act to amend the acts relating to the Grand Trunk Railway Company of Canada," has been duly authorized to accept, and take the said lease and the interest and property of the said Hon. John Ross, William Jackson and Benjamin Holmes, on the terms and conditions in the said lease mentioned, with such modifications and alterations, as should be agreed to by the directors of the said company, and to indemnify them, the said Hon. John Ross, William Jackson and Benjamin Holmes, from and against the covenants and conditions therein contained, on the part of the said John Ross, William Jackson and Benjamin Holmes, and to hold the said portion of railway and property subject to the rent, and on the terms and conditions, in the said lease specified with such modifications as aforesaid ;

And whereas, the said Grand Trunk Railway Company of Canada, is ready and willing to take and accept a transfer and assignment of the said lease, and of all the premises therein mentioned, subject to the several and respective clauses, conditions, covenants, agreements and provisions therein contained ;

Now therefore, these presents witness, that for the considerations aforesaid, and the further consideration of ten shillings in hand, well and truly paid by the said party hereto, of the second part, to the said party hereto of the first part, the receipt whereof is hereby acknowledged, and in compliance with the conditions and requirements contained and expressed in the said lease, the said party hereto of the first part, to wit : the said Hon. John Ross, William Jackson, represented and acting as aforesaid, and Benjamin Holmes, have assigned, transferred and made over, and by these presents do assign, transfer and make over unto the said Grand Trunk Railway Company of Canada, represented, acting and accepting thereof as aforesaid, all the right, share, claim, title, interest and demand generally whatsoever, which they, the said Hon. John Ross, William Jackson and Benjamin Holmes have, or may in any way, shape or manner, have, claim and demand in and to the said herein above mentioned lease, and the unexpired term thereof, together with the said lease and all the premises generally whatsoever, thereby leased and demised, and all the powers and privileges which they may have, under and by virtue of the same, as also their possession in and of the railroad property and estate thereby demised, and all things whatsoever by them acquired and held under said lease, appurtenant to said railroad property and estate, and used for the purposes thereof, the whole without any exception and

reserve, and as fully and effectually, as if the same had been directly entered into and made between the said Atlantic and St. Lawrence Railroad Company, and the said Grand Trunk Railway Company of Canada, subject to all and every the several and respective clauses, conditions, obligations, covenants, agreements and provisions, contained, mentioned and set forth in the said lease, whether relating to and in favor of, or imposed upon the said Hon. John Ross, William Jackson and Benjamin Holmes, and the said Grand Trunk Railway Company of Canada, and either of them, or relating to and in favor of, or imposed upon the said Atlantic and St. Lawrence Railroad Company.

To have and to hold all and every, the said hereby assigned and transferred premises unto the said Grand Trunk Railway Company of Canada, for all the time now remaining unexpired of the term in said lease demised.

And the said parties hereto do hereby declare, that in contemplation and in view of the present assignment and transfer, the said Grand Trunk Railway Company of Canada has, ever since the commencement of the term of the said lease, been in possession of the railroad and all railroad property, moveable and immoveable, and all other premises demised and leased, under and by virtue of the said indenture of lease, and that the said company has worked, maintained and kept in operation, the said railroad at its own cost and expense, and for its own profit, benefit and advantage, and that all buildings, enlargements, additions and improvements to said railroad and stations, and the perfecting of the equipment thereof, have been made, done, performed and paid for by the said Grand Trunk Railway Company of Canada, and that therefore, the same and every part thereof, belong to the said company, and that the said Hon. John Ross, William Jackson and Benjamin Holmes, have no claim whatever on the said company for the profits derived from the working of the said railroad by the said company, nor any claim, in, to or upon or by reason of the said buildings, enlargements, additions and improvements to said railroad, stations, and the equipment thereof.

And the said Grand Trunk Railway Company of Canada, doth hereby acknowledge, to have received from the said Hon. John Ross, William Jackson and Benjamin Holmes, the original duplicate of the said lease whereof quit.

And whereas, the said Grand Trunk Railway Company of Canada has, since the commencement of the said lease, expended divers sums of money for the improvements made on said railroad, and towards the perfecting of the equipment thereof, the said Grand Trunk Railway Company of Canada, will have to make with the said Atlantic and St. Lawrence Railroad Company, such stipulations and arrangements as may be agreed upon between them, in order to obtain the capitalizing of such expenditure by the issue of shares, or otherwise, if entitled under said lease to obtain such an issue of shares.

Therefore, the said Grand Trunk Railway Company of Canada, doth hereby discharge the said Hon. John Ross, Benjamin Holmes and William Jackson, of all liability and responsibility whatever, by reason, or in consequence of their having been parties to the said lease, and doth

ATLANTIC AND ST. LAWRENCE RAILROAD.

promise, covenant and agree, to keep them, and every one of them, free and harmless of all claims and demands, which might hereafter be made upon and against them, and either of them, as such parties to said lease.

And the said parties hereto, do hereby further declare, that all rents, debts, interest and other sums of money, which under and by virtue of the said lease, were to be paid by the said Hon. John Ross, Benjamin Holmes and William Jackson, have been paid and discharged by the said Grand Trunk Railway Company of Canada, ever since the commencement of the term of the said lease, up to this day, and that, therefore, they, the said Hon. John Ross, Benjamin Holmes and William Jackson, have no claim whatever on the said Grand Trunk Railway Company of Canada, for reimbursement of any sum of money.

And in consideration of all and every the premises, and of these presents, the said Grand Trunk Railway Company of Canada, doth hereby assume all liabilities generally, whatsoever, mentioned in the said lease, as having to be paid, either by the said Hon. John Ross, Benjamin Holmes and William Jackson, or by the said Grand Trunk Railway Company of Canada, the whole as fully and effectually, as if the said company was party to the said lease, as principal obligor.

In witness whereof, the above named John Ross, Benjamin Holmes and William Jackson, by his said attorney, have hereunto severally subscribed their hands, and set their seals, and the said Grand Trunk Railway Company of Canada, has caused the same to be subscribed in its behalf, by the said Francis Hincks, and the corporate seal of said company to be affixed hereto, at Portland, in the State of Maine, this ninth day of February, in the year of our Lord one thousand eight hundred and fifty-five.

JOHN ROSS, [L. s.]

BENJ. HOLMES, [L. s.]

WM. JACKSON, [L. s.]

Per Jno. Ross, his attorney.

F. HINCKS, [L. s.]

For the Grand Trunk Railway Co., of Canada.

Signed, sealed and delivered

in presence of

GEO. ET. CARTIER,

G. F. SHEPLEY.

SUPPLEMENT TO LEASE.

ARTICLES AND COVENANTS SUPPLEMENTAL to the lease of the Atlantic and St. Lawrence Railroad, executed and delivered on the 5th day of August, 1853, by the Atlantic and St. Lawrence Railroad Company, to John Ross, Benjamin Holmes and William Jackson.

First. Whereas the Grand Trunk Railway Company of Canada, in pursuance of the provisions of said lease, has become the assignee thereof, and has entered into possession of the railroad and property thereby demised, and whereas the said Atlantic Company, at the request of said Grand Trunk Company, since the making of said assignment has issued and delivered to the said Grand Trunk Company, six thousand eight hundred and fifty-nine shares in the capital stock of said Atlantic Company, being so many shares over and above the number of eighteen thousand one hundred and fifty, which had been issued and authorized to be issued at the making of said lease—which additional shares were so issued and delivered on account of construction expenditures, in improving and perfecting the said railroad, and the equipment thereof, and for the purpose of capitalizing said expenditure—and has agreed to issue and deliver to the said Grand Trunk Company (the requisite legislative authority, being obtained, if necessary, for the enlargement of said capital stock,) such further shares thereof as may be required to satisfy and discharge, by the proceeds of the same, the bonds heretofore issued by the said Atlantic Company, and the certificates of debt of the city of Portland, made and issued in aid of the construction of said railroad, and has further agreed, that if, upon the maturity of said bonds and certificates of debt, it shall be impracticable or unadvisable, by reason of the condition of the money market at such times, to pay off and discharge the said bonds and certificates, from the proceeds of shares, or otherwise, the said Atlantic Company will then, at the request of said Grand Trunk Company, issue its further bonds, in renewal and extension of the bonds and certificates so maturing, and thereafter, if requested for like reason, will issue further successive series of bonds, for like further successive renewals and extensions ;—

Now, in consideration of the premises, the said Grand Trunk Railway Company of Canada hereby covenants, that upon the amount of the par value of any and all such additional shares as have been or may be issued as aforesaid, it will pay an additional yearly rent, under said lease, at the rate of three dollars in the hundred, half yearly, under like conditions with the payments of the rent reserved in said lease, as therein provided, so that the rent reserved and accruing under said lease, shall at all times be the annual interest, at the rate aforesaid, upon the aggregate par value of all the shares in the capital stock of said Atlantic Company, which shall be lawfully issued and outstanding.

ATLANTIC AND ST. LAWRENCE RAILROAD.

The said Grand Trunk Company also further covenants, that it will duly provide for and pay the interest which shall at any time accrue and become payable upon any and all the further bonds and successive series of bonds of said Atlantic Company, which may be issued in renewal and extension of the present bonds of said company, and of the certificates of debt of the city of Portland, as aforesaid,—and will duly provide for and pay the principal of all the several bonds and series of bonds, which shall be issued in renewal and extension as aforesaid, as the same shall from time to time successively mature and become payable.

Second. And whereas, by an act of the Legislature of Maine, passed the twenty-third day of September, eighteen hundred and fifty-three, authority is given to convert the shares of the capital stock of said Atlantic Company, into values expressed in the sterling currency of England, and to provide for the payment of dividends thereon, in London, in England, and the necessary regulations and forms therefor, have been adopted by the stockholders and directors of the said Atlantic Company, the said Grand Trunk Railway Company of Canada hereby further covenants, that upon seasonable notice, according to said regulations, given by the said Atlantic Company, of the number of shares, which may have been converted and issued in sterling currency, at the expiration of every half year, when the rent reserved under the said lease shall become payable, it will provide for and pay, at its office in London, three pounds sterling on every such sterling share, of one hundred pounds each, and will pay the same semi-annually, on the fifteenth day of March and the fifteenth day of September, in each and every year during the term of said lease ; which payments so made in London, are to be in reduction and discharge of so much of the half yearly rent, under said lease, as would otherwise be payable at Portland on the thirtieth day of June and the thirty-first day of December respectively, preceding the dates above recited.

And it is understood and agreed by the parties hereto, that all the provisions, covenants and stipulations, contained in said lease, and in these supplemental articles, respecting the payment of rent reserved and accruing under the same, are to be taken as subject to and qualified by the foregoing provision for the payment of a part of the said rent, at London, in March and September annually, instead of at Portland, in June and December, as originally provided.

Third. And in further consideration of the premises, the said Grand Trunk Railway Company of Canada hereby expressly agrees and consents, that any failure on its part, for more than sixty days, to pay the rent, which shall at any time become payable upon any additional shares issued and to be issued under the provisions of these supplemental articles, or any failure to pay the bonds and successive series of bonds to be issued in renewal and extension of the now existing bonds of said Atlantic Company, and certificates of debt of the city of Portland, or to pay the interest from time to time accruing upon the same, or any failure for more than sixty days to provide for and pay, in London, such part of the rent under said lease, as is in these supplemental articles provided and agreed to be paid at that place, shall be a cause of forfeiture of said lease, as fully and effectually, and in like manner and upon like conditions,

with the causes of forfeiture, recited and expressed in the eleventh article of said original lease ; and such forfeiture may be enforced, and the determination of said lease effected therefor, in the manner and under the limitations expressed in the twelfth article of said original lease, as fully and absolutely, as if the causes of forfeiture in these supplemental articles defined and set forth, had been expressed and provided for in said original lease, and with like remedy and relief from such forfeiture, as is in said original lease provided.

In testimony whereof, the said companies have mutually caused this instrument to be subscribed in duplicate in their behalf, respectively—by Benjamin Hoimes, Esquire, vice president of said Grand Trunk Railway Company, duly authorized for this purpose on its behalf, and by St. John Smith, Esquire, president of said Atlantic and St. Lawrence Railroad Company, duly authorized for this purpose on its behalf, and the respective corporate seals of said companies to be hereunto affixed, this sixth day of December, in the year of our Lord one thousand eight hundred and fifty-five,—the resolutions of the respective boards of directors of said companies, authorizing the execution hereof, as aforesaid, being hereunto annexed.

The Atlantic and St. Lawrence Railroad Company, by
St. JOHN SMITH, President. [L. s.]

The Grand Trunk Railway Company of Canada, by
BENJ. HOLMES, V. Pres't. [L. s.]

Signed, sealed and interchanged,
in presence of

P. BARNES, of Portland, aforesaid.

T. DOUCET, of Montreal, notary.

Countersigned by

CHAS. E. BARRETT, *Treas. of the A. & St. L. R. R. Co.*

The undersigned, the mayor and aldermen of the city of Portland, in pursuance of the third section of the act of the legislature of Maine, passed on the twenty-ninth day of March, 1853, entitled, "an act to authorize a lease of the Atlantic and St. Lawrence Railroad," hereby express their assent to the foregoing articles and covenants, supplemental to the lease, executed and delivered on the fifth day of August, 1853, and have severally subscribed their signatures upon this instrument, this sixth day of December, 1855.

NEAL DOW, Mayor.
S. L. CARLETON,
HENRY A. JONES,
JOSEPH LIBBY,
SAM'L J. ANDERSON,
WM. W. THOMAS,
JOSEPH RING.

BOSTON AND MAINE RAILROAD.

This road at first extended in this State only from South Berwick Junction to Salmon Falls, N. H., two and one half miles. In 1873 it was extended from South Berwick Junction to Portland, forty-four miles in this State. It was chartered by the name of the Maine, New Hampshire, and Massachusetts Railroad Corporation.

LAWS OF 1836, CHAP. 179.

An act to establish the Maine, New Hampshire, and Massachusetts Railroad Corporation.

Corperators.

Corporate name.

Powers.

Be it enacted, &c. SECT. 1. That Joseph Adams, Mason Greenwood, Oliver B. Dorrance, Charles M. Davis, William W. Woodbury, Nathan Winslow, Jedediah Jewett, Henry Smith, John Warren, Bryce M. Edwards, Daniel T. Pierce, Noah Mason, Toppan Robie, Joseph M. Gerrish, James Irish, Alexander McLellen, Nathan Elden, Joseph Woodman, Abijah Usher, Joseph Hobson, Ellis B. Usher, Nathaniel J. Miller, Edmund Warren, William Cook, Isaac Dearing, Jeremiah Roberts, Porter Gilman, Jonathan Downing, Ivory Hall, Nathaniel Farnum, John Griffin, Joseph Emerson, Jeremiah Bradbury, William B. Holmes, Abiel Hall, David Hall, Alvah Conant, Jeremiah Goodwin, Benjamin J. Herrick, John Powers, Nicholas E. Paine, John J. Paine, Arthur McArthur, Charles E. Bartlett, Thomas B. Parks, Job Harris, John B. Wood, Frederick Cogswell, their associates, successors, and assigns be, and they are hereby made a body politic and corporate, by the name of "the Maine, New Hampshire, and Massachusetts Railroad Corporation," and by that name shall have all the powers, privileges, and immunities, and be subject to all the duties and liabilities provided and prescribed in an act passed on the sixteenth of February last, entitled "an act concerning corporations," and an act defining certain rights and duties of railroad corporations, passed the first of March

instant, and shall be and hereby are invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter, and keep in repair a railroad with one or more set of rails or tracks, with all suitable bridges, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point or place in the city of Portland, through the village of Saccarappa in the town of Westbrook, thence into the village of Gorham, thence through the town of Buxton to Saco River, and to cross said river at some place as hereinafter provided; thence through the towns of Hollis and Waterborough to Alfred village, thence through the towns of Sanford, North Berwick, and Berwick to the village of Great Falls in Somersworth and to unite with the railroad from said Great Falls through New Hampshire to Massachusetts line, in such manner and form as they shall deem to be most expedient. And for this purpose said corporation shall have the right to take and hold so much of the land, and other real estate of private persons as may be necessary for the location, construction, and convenient operation of their railroad, and they shall also have the right to take, remove, and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; *Provided, however,* that said land so taken, shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation or embankment: *And provided also,* that in all cases, said corporation shall pay for such lands, estate, or materials so taken and used, such price as they and the owner, or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the case of damages by laying out of highways. And the land so taken by said corporation

May build road

Line of road.

May take real estate.

Proviso.

How paid for.

shall be held as lands taken and held for public highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; or when it has already been taken, within one year from the time of passing this act, and in case such railroad shall pass through any wood lands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this bill.

May fell trees.

SECT. 2. That said railroad shall pass over Saco River in such place at or near the falls at the Bar Mills, or at or near the falls at Salmon Falls, or at some intermediate point between, as said commissioners or a majority of them shall determine; and said corporation is hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a branch or branches of said railroad from either or both of said falls to said principal railroad, which may unite therewith and become a part thereof.

Where to pass
Saco river.

SECT. 3. That the capital stock of said corporation shall consist of not less than five thousand, nor more than six thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be the president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties, to the satisfaction of the directors, in a sum of not less than thirty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiv-

Stock.

Officers.

ing subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time and in such places in the shire towns in the several counties of York, Cumberland and Oxford, in this State, and in the towns of Somersworth, Dover, New Market, and Exeter in New Hampshire, and Haverhill, and Andover, and the city of Boston in Massachusetts, and elsewhere as they shall appoint, to remain open for ten successive days, at which time and place of subscription public notice shall be given in some newspaper printed in Portland, Great Falls, Dover, Haverhill, Exeter and Boston, twenty days at least, previous to the opening such subscription, and in case the amount subscribed shall exceed six thousand shares, the same shall be distributed among all the subscribers, according to such regulations, as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the towns and cities above named, of the time and place, and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

Stock books to
be opened.

Notice.

SECT. 4. That the president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant ; to purchase and hold land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods, and property of all descriptions ; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer

Officers may
locate.

Assessments.

shall be held as lands taken and held for public highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; or when it has already been taken, within one year from the time of passing this act, and in case such railroad shall pass through any wood lands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this bill.

May fell trees.

SECT. 2. That said railroad shall pass over Saco River in such place at or near the falls at the Bar Mills, or at or near the falls at Salmon Falls, or at some intermediate point between, as said commissioners or a majority of them shall determine; and said corporation is hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a branch or branches of said railroad from either or both of said falls to said principal railroad, which may unite therewith and become a part thereof.

Where to pass
Saco river.

SECT. 3. That the capital stock of said corporation shall consist of not less than five thousand, nor more than six thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be the president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties, to the satisfaction of the directors, in a sum of not less than thirty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiv-

Stock.

Officers.

ing subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time and in such places in the shire towns in the several counties of York, Cumberland and Oxford, in this State, and in the towns of Somersworth, Dover, New Market, and Exeter in New Hampshire, and Haverhill, and Andover, and the city of Boston in Massachusetts, and elsewhere as they shall appoint, to remain open for ten successive days, at which time and place of subscription public notice shall be given in some newspaper printed in Portland, Great Falls, Dover, Haverhill, Exeter and Boston, twenty days at least, previous to the opening such subscription, and in case the amount subscribed shall exceed six thousand shares, the same shall be distributed among all the subscribers, according to such regulations, as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the towns and cities above named, of the time and place, and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

Stock books to
be opened.

Notice.

SECT. 4. That the president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods, and property of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer

Officers may
locate.

Assessments.

shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *Provided however*, that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole, than one hundred dollars.

By-laws.

SECT. 5. That the said corporation shall have power to make, ordain, and establish all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

Toll.

SECT. 6. That a toll be and hereby is granted and established, for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road shall be in conformity with such rules, regulations, and provisions as the directors shall from time to time prescribe and direct; *Provided however*, that if at the expiration of twelve years from and after the completion of said road the net income or receipts from tolls and other profits, taking the twelve years aforesaid as the basis of calculation, shall have amounted to more than twelve per centum per annum upon the cost of the road and incidental

Previso when
it exceeds 12
per cent.

expenses, the legislature may alter and reduce the rate of tolls, and other profits so that the net income shall not exceed twelve per centum for the next twelve years, calculating the amount of transportation on the road to be the same as in the twelve preceding years, and at the expiration of every twelve years thereafter, the same proceedings may be had. *And further provided*, that the legislature shall not at any time, so reduce the tolls and other profits, as to produce less than twelve per centum upon the cost of said railroad, taking the basis of calculation as aforesaid, without the consent of said corporation. *And provided further*, that the legislature may, instead of reducing said tolls and profits to twelve per centum, appropriate the surplus to the public schools of the State.

Power of legislature to apply for schools.

SECT. 7. That the legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points of intersection on the route of said railroad. And said corporation shall receive and transport all persons, goods, and property, of all descriptions, which may be carried and transported, to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods, and other property as may be received from such other railroads, so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers, &c., at any of the depots of said corporation.

Connections with other roads.

SECT. 8. That the directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers and demand toll on the road, when completed, and upon such parts thereof as shall from time to time be completed.

Toll houses.

SECT. 9. That when said corporation shall take any land, or other estate, as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and such feme covert, with the guardian of her husband shall

Settlement of damages with non compos mentis, &c.

have full power and authority to agree and settle with said corporation, for damages, or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

Malicious
injury.

SECT. 10. That if any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or anything belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons, assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer, whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences, contrary to the above provisions, and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding one hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom such conviction may be had.

Meetings, how
called.

SECT. 11. That the annual meeting of the members of said corporation shall be holden, on the first Monday in June, at such time and place as the directors for the time being shall appoint, at which meeting, the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Crossing canals
&c.

SECT. 12. That if the said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall, in the

course thereof, cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

SECT. 13. That if the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-six, in either of the above mentioned cases, this act shall be null and void.

Time of location limited.

SECT. 14. That said railroad corporation shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way or for conducting such private way or turnpike over said railroad.

To maintain bridges, &c.

SECT. 15. That if said railroad shall in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation be and they hereby are authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *Provided*, said bridge or bridges shall be so constructed as not to obstruct or impede the navigation of said waters.

How may cross tide waters.

SECT. 16. That the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature: and at the expiration of every twelve years the treasurer of said corporation shall make and exhibit under oath to the legisla-

Books to be open for inspection.

ture, of the net profits derived from the income of said railroad.

Act of March
17, 1831.

SECT. 17. That an act entitled "an act concerning corporations" passed March seventeenth, in the year of our Lord one thousand eight hundred and thirty-one, shall not extend or apply to the company hereby incorporated.

To carry U. S.
mail.

SECT. 18. That the said corporation shall at all times, when the postmaster-general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. *Approved March 30, 1836.*

LAWS OF 1839, CHAP. 533.

An act additional to an act to establish the Maine, New Hampshire and Massachusetts Railroad Corporation.

Time extended.

Be it enacted, &c. That the time for doing and performing certain act, matters, and things mentioned in the thirteenth section of the act to which this is additional, passed on the thirtieth day of March, eighteen hundred and thirty-six, be and the same is hereby extended for the term of four years from and after the expiration of the time mentioned in said thirteenth section; and the time for completing said railroad, as mentioned in said thirteenth section, is hereby extended to the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty. *Approved March 12, 1839.*

LAWS OF 1841, CHAP. 145.

An act in addition to "an act to establish the Maine, New Hampshire and Massachusetts Railroad Corporation."

Change of loca-
tion.

Be it enacted, &c. SECT. 1. That the Maine, New Hampshire and Massachusetts Railroad Corporation, are hereby authorized and empowered to construct and complete a rail-

road, commencing at Somersworth, in the State of New Hampshire, at the line that divides the State of Maine from the State of New Hampshire, so as to connect with the Boston and Maine Railroad, in New Hampshire; thence extending through the towns of Berwick and South Berwick, and thence northeasterly on the most convenient ground, till it intersects the line described in the act to which this is in addition.

SECT. 2. That for the proper construction of said road, this corporation shall have all the rights, powers, and privileges, and be subject to all the duties, and the State shall have all the rights, in respect to the road hereby authorized to be made, which exist in the act to which this is in addition. Powers.

SECT. 3. That the said corporation are hereby authorized to connect their said railroad with any other railroad or railroads, at any point or points of intersection, on the route of their said railroad, as provided in the charters of the said railroads respectively; and shall be entitled to all the privileges, in the transportation of persons, goods, and property of all descriptions, which are provided in such cases, in their respective charters, but not intending to give to either corporation the right of running their locomotive on the track of the other. May connect with other roads.

SECT. 4. That the said corporation shall be allowed three years, from the time of the passage of this act, for the actual survey and location of the route of said road, and the filing of the same with the county commissioners, in the counties through which the same shall pass; and six years for the completion of the same. *Approved April 2, 1841.* Time of survey.

LAWS OF 1843, CHAP. 108.

An act to unite the Maine, New Hampshire and Massachusetts Railroad Corporation, with the Boston and Maine Railroad.

Be it enacted, &c. SECT. 1. The stockholders of the Maine, New Hampshire, and Massachusetts Railroad Corporation are hereby constituted stockholders of the Boston and Maine Railroad, a body corporate and politic duly constituted and existing under and by virtue of the laws of the States of New Hampshire and Massachusetts; and the stockholders of said Boston Union of M. N. H. & Mass. R. with B. & M.

and Maine Railroad are hereby constituted stockholders of the said Maine, New Hampshire and Massachusetts Railroad Corporation, and the said two corporations are hereby made one corporation, by the name of the Boston and Maine Railroad ; and all the franchises, property, powers, and privileges granted or acquired under the authority of the said States respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares, or amount of property held by them respectively, in either or both of said corporations.

Director in this State.

SECT. 2. One or more of the directors or other officers of said Boston and Maine Railroad shall at all times, be an inhabitant of this State, on whom process against said company may be legally served ; and said company shall be held to answer in the jurisdiction where the service is made, and the process is returnable.

Accounts.

SECT. 3. The said company shall keep separate accounts of their expenditures in Maine, New Hampshire and Massachusetts, respectively ; and three commissioners shall be appointed, one by the governor of each State, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of the expenditures of said company, and of its receipts and profits properly pertain to that part of the road lying in Maine, New Hampshire and Massachusetts, respectively ; and the annual report, required to be made by the directors to the legislature of this State, shall be approved by the said commissioners.

Liabilities.

SECT. 4. The said company and the stockholders therein, so far as their road is situated in Maine, shall be subject to all the duties and liabilities of the Maine, New Hampshire and Massachusetts Railroad Corporation, and the general laws of this State regulating corporations.

When to take effect.

SECT. 5. This act shall not take effect until the same, and also an act of the legislature of New Hampshire and Massachusetts, respectively, authorizing the union of the said corporations shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. *Approved March 22, 1843.*

LAWS OF 1844, CHAP. 152.

An act in addition to "an act to unite the Maine, New Hampshire and Massachusetts Railroad Corporation with the Boston and Maine Railroad.

Be it enacted, &c. SECT. 1. Nothing contained in the act to which this is additional, is intended, or shall be so construed as to subject the said united corporations to any other duties, liabilities, or laws, than such as the said Maine, New Hampshire and Massachusetts Railroad Corporation might have been subjected to, in case the said act, to which this is in addition, had not passed. Explanatory.

SECT. 2. This act, when accepted by the said corporation, shall be considered part and parcel of the said act of union, and one of the terms and conditions thereof. *Approved February, 29, 1844.*

LAWS OF 1846, CHAP. 340.

An act to unite the Boston and Maine Railroad Extension Company with the Boston and Maine Railroad.

Be it enacted, &c. The Boston and Maine Railroad Extension Company, a corporation organized under the commonwealth of Massachusetts, is hereby united to the Boston and Maine Railroad, and the said two corporations are hereby made one corporation by the name of the Boston and Maine Railroad; and all the franchises, property, powers, and privileges granted to or acquired by the said Boston and Maine Railroad Extension Company, shall be held and enjoyed by the said Boston and Maine Railroad, in the same manner and as fully to all intents and purposes, as if the same had been originally granted or acquired by the said Boston and Maine Railroad; and all the duties and liabilities of said extension company shall appertain to and be performed by the said Boston and Maine Railroad. *Approved July 16, 1846.* Union authorized.

LAWS OF 1869, CHAP. 40.

An act establishing the amount of the capital stock of the Boston and Maine Railroad, and giving consent to the acts of Massachusetts relating to said road.

BOSTON AND MAINE RAILROAD.

Capital stock
established.

Be it enacted, &c. SECT. 1. The capital stock of the Boston and Maine Railroad is hereby established at five millions of dollars, consisting of fifty thousand shares of one hundred dollars each, that the shares already issued being forty-five thousand are hereby sanctioned, and that the residue, being forty-five hundred, shall be issued at not less than the par value thereof, under the direction of the stockholders of said corporation.

Consent given
to certain acts.

SECT. 2. Consent is hereby given to the several acts of the legislature of Massachusetts, respecting said Boston and Maine Railroad, authorizing changes in its location, the building of branches, defining its relations with connecting railroads and other matters relative to said corporation, all which changes, connections and relations are within the State of Massachusetts.

SECT. 3. This act shall take effect when approved. *Approved February 11, 1869.*

LAWS OF 1869, CHAP. 103.

An act amending the act establishing the amount of the capital stock of the Boston and Maine Railroad.

Capital stock
established.

Be it enacted, &c. SECT. 1. The act establishing the amount of the capital stock of the Boston and Maine Railroad, approved February eleventh, eighteen hundred and sixty-nine, is hereby amended by inserting after the words "the shares already issued being forty-five thousand," in the fourth line of section one, the words, 'five hundred,' so that said portion of the sentence shall read: 'the shares already issued being forty-five thousand five hundred.'

SECT. 2. This act shall take effect when approved. *Approved February 17, 1869.*

LAWS OF 1871, CHAP. 630.

An act for the extension of the Boston and Maine Railroad.

Extension of
road author-
ized.

Be it enacted, &c. SECT. 1. The Boston and Maine Railroad, a corporation existing under authority of law, is hereby

authorized to extend its railroad from some convenient point on its present road in Berwick or South Berwick within this State, thence through the towns of South Berwick, North Berwick if necessary, Wells, Kennebunk, Kennebunkport, Biddeford, Saco, Scarborough, and Cape Elizabeth, to some convenient point in the city of Portland; to locate, construct, maintain and operate such extended road, with all the rights, powers, privileges, and immunities in respect thereto of similar railroad corporations under the laws of this State, and subject to like liabilities and duties.

Route.

Powers, privileges, duties and liabilities.

SECT. 2. Said corporation is authorized to increase its capital stock by a sum not exceeding two millions of dollars over and above the amount of its capital heretofore authorized; and to divide the same into shares and issue its stock for such amount thereof as shall be found necessary to construct said extended road.

Capital stock, increase of, authorized.

SECT. 3. It shall be the duty of said corporation, to make a survey of the line of said extended road within one year, and to complete the same so that cars can run thereon, within three years, and if it shall fail to do either within the time thus designated, this act shall become void.

Survey of line to be made within one year; and road to be completed within three years.

SECT. 4. This act shall take effect when approved. *Approved February 17, 1871.*

LAWS OF 1873, CHAP. 222.

An act to confirm the location of the railroad of the Boston and Maine Railroad through the towns of Berwick and North Berwick, subject to certain restriction.

Be it enacted, &c. SECT. 1. The location of the railroad of the Boston and Maine Railroad, a corporation chartered by the laws of this State, from Berwick and thence through North Berwick, as heretofore filed with the county commissioners of York county, and as said railroad has been constructed, is hereby confirmed and made valid, subject to the provisions of this act as hereinafter stated. And said corporation is allowed until the first day of August, in the year of our Lord one thousand eight hundred and seventy-three, to make and file, as required

Location confirmed.

Amendment to
former location.

Proviso.

by law, an amendment to its former location, so as to make the same conform to its railroad as now constructed; *provided nevertheless*, that it shall not be lawful, and it is hereby forbidden to construct, maintain or use any track across the highway known as Main street at North Berwick village, other than the one now constructed, the same being one hundred and seventy-two feet from the present passenger depot of the Portland, Saco and Portsmouth Railroad Company at that place, and a side track the southerly rail of which shall not be nearer the depot of the said Portland, Saco and Portsmouth Railroad Company than one hundred and fifty-eight feet.

Location of
depot at North
Berwick.

SECT. 2. And it is further provided that it shall not be lawful for said corporation, and it is hereby forbidden, to construct, maintain or use any depot or way station easterly of said highway at North Berwick village, nor within seven hundred feet of the westerly side thereof.

Obstruction of
travel. penalty
for.

SECT. 3. It shall not be lawful for said corporation to obstruct the travel upon said highway, by allowing any engine or car to stand thereon, under a penalty of one hundred dollars, to be recovered by indictment, for every such offence.

Suits now pend-
ing, not affect-
ed.

SECT. 4. Nothing in this act shall affect in any way the rights of parties to suits now pending, to recover costs.

SECT. 5. This act shall take effect when approved. *Approved February 1, 1873.*

CONTRACT

Of the Boston & Maine Railroad with the Maine Central Railroad.

This agreement, made and concluded this twenty-eighth day of December, A. D. 1874, by and between the Maine Central Railroad Company, a corporation established under the laws of the State of Maine, party of the first part, and the Boston and Maine Railroad, a corporation established under the laws of Massachusetts, New Hampshire and Maine, party of the second part, witnesseth:

Said parties, in order so far as possible to promote the public interest and their own, by providing for the public accommodation at the least expense, do each, in consideration thereof, and of the execution of this indenture by the other, agree with each other as follows:

ARTICLE 1. Each corporation hereby agrees with the other, to connect the rails of one corporation with the rails of the other corporation, forthwith and at their joint expense, in the city of Portland in the State of Maine, at the point heretofore designated by the party of the second part to the party of the first part, near the transfer station of said party of the second part, in said Portland, where the branch track of said second party terminates, and the parties hereto agree to make any other connection of their tracks in the future, which the connecting business may require.

ART. 2. For the purpose of defining and determining what shall be understood by the term "connecting business" and by the term "pro rata," wherever either or both said terms shall appear in this contract, it is hereby agreed between said parties that "connecting business" shall mean all business coming from the road of one party on to the road of the other party, whether the same be passengers or freight, and whether the same pass over the whole or any part of the roads of the parties hereto, or any branches of the same, or any roads leased or operated by the said parties. By the term "pro rata," whenever the same occurs in this contract, it shall be understood to mean such a division of the through rate for both passengers and merchandise, as shall give to each of the parties hereto, such a sum of money as the distance, either of said parties transport said passengers or merchandise on its own road or branches, bears to the whole distance, said passengers and merchandise shall be carried on or over the roads of both the parties hereto.

ART. 3. Each party hereto upon its respective road, and upon any it may control and operate, over which any of the connecting business referred to in this contract is transported, shall furnish suitable depot accommodations for said business, shall furnish and sell all tickets, and check all baggage for passengers going from any point on the road of one party to any point on the road of the other party, and all such tickets furnished

BOSTON AND MAINE RAILROAD.

and sold by the party of the first part, shall be good over either the Boston and Maine Railroad, or over the Eastern Railroad, to all points reached by both said Boston and Maine and Eastern Railroads, and no other than tickets thus marked and designated shall be sold by the party of the first part to any point of competition, or reached by said Boston and Maine and Eastern Railroads; shall receive, load, and way-bill all goods and merchandise offered for transportation, and collect all charges thereon, and do all things necessary at their respective depots that may be required for the proper transaction of said business, and said first party shall allow the business in both passengers and freight, coming from the road of the first party, to pass over either of the roads leading from Portland to Boston, or other points of competition common to said last named roads, and all such business of both passengers and freight shall be left free to take either line west of Portland without influence from the first party herein named.

ART. 4. The rates of transporting all connecting business referred to in this contract, shall be established and fixed from time to time by the party of the first part; provided, however, that when it is necessary to carry freight at a less rate than is provided for in this contract in order to secure it, the discount or reduction shall be borne by the parties hereto *pro rata*, and the parties hereto shall fix the rates from time to time for such freight.

ART. 5. Through trains for passengers shall be run between Boston and Portland with dispatch, and in such numbers and at such hours as will best accommodate the connecting business in passengers, and the same in regard to merchandise. The passenger cars run for the connecting business shall be in all respects first class. Suitable cars for the connecting business in goods and merchandise shall be run through from one road on to the other, and the party, owning said merchandise cars, shall be paid for their use in the connecting business on the road of the other party, at the rate of one and one-half cent per mile for the distance run. Merchandise cars of the party of the first part, sent loaded to Boston and other points upon the road of the party of the second part, shall be loaded with goods and property in return when offered for transportation.

ART. 6. For every connecting passenger transported by the party of the second part, between Boston, Charlestown, Somerville or Malden, and Portland, said party of the second part shall receive out of the through price of carriage, the sum of one dollar and fifty cents, which shall be in full for all services and depot accommodations connected with said carriage, and the party of the first part shall receive the balance of said through price. For every connecting passenger between any station other than Boston, Charlestown, Somerville or Malden, and Portland, the through price of carriage shall be divided *pro rata* between the parties hereto.

For every ton of connecting goods and property, transported between Boston, Charlestown, Somerville or Malden, and Portland, the party of the second part out of the through price, shall receive two dollars, which shall be in full for all services connected with such carriage. And for every ton of connecting goods or property carried between any other sta-

BOSTON AND MAINE RAILROAD.

tions than Boston, Charlestown, Somerville or Malden, and Portland, the party of the second part shall receive a *pro rata* share of the through price, and the balance shall belong to the party of the first part.

ART. 7. The parties hereto bind themselves, each to the other, promptly and with no unnecessary delay, to cause the merchandise cars received from each other to be returned to each other when coming upon their roads respectively, in the transportation of the connecting business, and to see that such cars suffer no injury from careless or improper usage.

Should the merchandise cars received from one of the parties hereto, be detained on the road of the other party for more than five days at one time, the party thus detaining them shall pay for such detention, at the rate of one dollar and fifty cents a day for every day in excess of five days; but neither party shall be holden responsible for the cars of the other which may be consigned to stations on roads which are not named in this contract. The cars of each party hereto, to be returned in like order as received, ordinary wear and tear excepted.

ART. 8. All injuries to persons, or loss of or damage to, baggage, or goods and property embraced in the joint business shall be paid for by the party on whose road it may occur, and when the loss or damage cannot be traced to either of the parties hereto, then it shall be paid for by each in the proportion it shares in the through price of carriage.

ART. 9. Each of the parties hereto, shall be accountable for the prompt collection of all the charges and dues connected with the transaction of the connecting business upon its road, and accounts shall be kept by the parties of said connecting business, and returns thereof made, each to the other, and once in each month these accounts shall be settled, and the balance due to one party from the other paid once a month.

ART. 10. The party of the first part hereby agrees to use its influence to protect the rates of the party of the second part, and in no event whatever, will it permit any other person or persons, corporation or corporations, transportation company or companies, to transport either persons or property, passengers or merchandise in either direction, on or over any part of the road of said first party at any less rates for said passengers or merchandise than it charges said second party for carrying the passengers and merchandise of said second party. And the party of the second part hereby agrees to make the rates for passengers and merchandise from all points competing with the party of the first part, whether the same be by land or water, as low as said second party makes or names to any other party, corporation, or transportation company, that is to say, said second party shall in no event whatever, name a rate from any point on the line of the first party, to any point on the line of the second party, to any other or third party, at less than the rate named between the same points by said first party, it being the intent and meaning of the parties hereto, to protect each other in all rates of fare and freight, so far as they legally can.

It is further agreed that neither party hereto will carry freight or passengers, in connection with any other party between competing points, at rates that will enable any other party to carry at a less price, than the parties hereto carry freight or passengers between said competing points.

BOSTON AND MAINE RAILROAD.

ART. 11. Should any disagreement arise between the parties hereto, in regard to the true intent and meaning of any of the provisions of this contract, or whether or not either of the parties fairly carry out its provisions, or whether or not either of the parties has done any act, or created any competition with the business of the other, as provided against in this contract, the parties hereto agree to refer such matters to three impartial and disinterested arbitrators, one to be selected by each of the parties hereto, and the third by the two so selected, and who, after hearing the parties, shall make their decision, and it shall be final and binding upon the parties hereto.

ART. 12. This contract shall commence and take effect from the date of its execution by the parties, and continue in force for the term of five years and thereafter, until one party shall give to the other one year's notice of its desire to terminate it.

In witness whereof the said Maine Central Railroad Company has caused these presents to be signed by its committee thereto authorized, and said Boston and Maine Railroad has caused these presents to be signed by its president thereto authorized, the day and year first above written.

BOSTON & MAINE RAILROAD,

Witness:
EDWIN NOYES.

By N. G. WHITE,
President.

Witness:
EDWIN NOYES.

GEO. L. WARD, } Committee of
J. B. BROWN, } Maine Central
J. P. COOK. } R. R. Co.

A true copy of record,
Attest,

JOSIAH H. DRUMMOND,
Clerk M. C. R. R. Co.

BUCKSPORT AND BANGOR RAILROAD CO.

This is a new road, extending from Bucksport to Brewer on the east side of the Penobscot river, and there crossing the river to a connection with the E. & N. A. R. in Bangor. Its length is eighteen miles. It is not finished, but the European road, to which it is leased for five years under a business contract, have commenced to run trains over it.

This company was chartered under the name of the Penobscot and Union River Railroad Company.

LAWS OF 1870, CHAP. 395.

An act to incorporate the Penobscot and Union River Railroad Company.

Be it enacted, &c. SECT. 1. Seth Tisdale, A. F. Drinkwater, N. K. Sawyer, Monroe Young, D. H. Eppes, John D. Hopkins, H. M. Hall, Barlow Hall, junior, Sewall B. Swazey, Ambrose White, J. L. Buck, N. T. Hill, Alonzo Colby, S. P. Hall, T. C. Woodman, Edward Swazey, George L. Bradley, James Emery, A. P. Emerson, John Buck, Isaac Partridge, John A. Buck, Charles Newcomb, Micajah Currier, Solomon Phipps, M. F. Eldridge, W. E. Covell, Thomas B. George, Daniel Sargent, second, R. K. Cushing, George O. Goodwin, A. S. Meservey, John Tibbetts, A. C. Wilson, Jesse Hinks, D. B. Doane, J. S. Paine, Calvin Kent, Alpheus Robinson, A. T. Parker, J. W. Palmer, Eben Blunt, John L. Cutler, Davis R. Stockwell, E. H. Rollins, J. O. B. Darling, A. D. Manson, Samuel Wasson, Philip J. Milliken, Samuel Merrill, Elisha Bowden, Isaac B. Goodwin, Joseph T. Hinkley, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Penobscot and Union River Railroad Company, and by this name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter

Corporators.

Corporate name.

Rights and privileges.

Authorized to locate and construct railroad, with one or more sets of rails or tracks, &c.

Route.

May take land and real estate necessary for location.

Proviso.

Damages, how ascertained,

Application for damages to be made in three years.

granted and enjoined, and to prevent all invasions thereof, or interruptions in exercising and performing the same; and the said corporation is hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point in the city of Bangor, so as to connect with any railroad in said city, and thence to some point above the Bangor and Brewer toll bridge, crossing the Penobscot river to Brewer through Orrington to Bucksport village, and thence by way of Orland, Penobscot and Surry, to some point in Ellsworth, in the county of Hancock; and for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and the real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad and necessary branches; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken; *provided however*, this said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; *and provided also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon, and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodland or

forests, the said company shall have a right to fell or remove any trees standing therein within four rods of such road, which by their liability to be blown down or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

May remove trees within four rods of road, if liable to fall and obstruct same. .

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than twelve thousand shares of one hundred dollars each, and the immediate government and direction of the affairs of said corporation shall be vested in seven directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer who shall be sworn and also give bonds to the corporation with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars for the faithful discharge of his trust; and for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the cities of Bangor and Ellsworth, and in the town of Bucksport, and elsewhere as they shall appoint, to remain open for such a time as they shall direct, of which time and place of subscription public notice shall be given in a newspaper printed in the counties of Penobscot and Hancock, ten days before the opening of such subscriptions; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, for the choice of directors and organization, by giving notice in the newspapers published as before named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Capital stock and shares.

Directors, how chosen, &c.

Tenure of office.

Officers and their bonds.

Subscription books, where and by whom opened.

First meeting, how called.

SECT. 3. When said corporation shall take any land or other estate, as aforesaid, of any infant, person non compos mentis,

Guardian may settle damages for certain persons.

or feme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reasons of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

President and directors, powers of.

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation for the purposes of locating, constructing and completing said railroad and branches necessary, and for the transportation of persons, goods and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of this corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given or shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed, as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares sell for more than the assessments due with interest and costs of sale; *provided however, that no assessment shall be laid upon any shares in*

Assessments, notice of.

Neglect to pay, shares may be sold by auction.

Overplus, how disposed of

Proviso.

said corporation of a greater amount in the whole than one hundred dollars.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the rights of roads, and all matters and things in relation to said road shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

Toll granted.

Transportation of property construction of wheels, form of cars, &c.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any point on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers and goods and other property as may be received from such other railroads so connected with said road as aforesaid, shall not exceed the general rates of freight and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

Connections with other companies, legislature may authorize.

Rates of toll.

SECT. 7. If said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall, in the course thereof, cross any canal, railroad, or the highway, the said railroad shall be so constructed as not to obstruct the safe and convenient uses of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad, if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said railroad, high-

Private ways and highways, not to be obstructed.

way or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Fences.

SECT. 8. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved.

U. S. mail, transportation of.

SECT. 9. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a fair and reasonable compensation; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places, and carry the same; when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls, and said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle, for the transportation of persons or merchandise, to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided however*, that said corporation shall be under obligation to transport over said road, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars enumerated in said sections.

Compensation in case of disagreement, how determined.

Facilities for transportation of articles, &c.

Lien.

Duties and obligations.

Proviso.

Malicious injury to corporate property.

SECT. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy

said railroad or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of, or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Penalties.

SECT. 11. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature of the profits derived from the income of said railroad.

Disbursements and expenditures, account of.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several cities, towns and plantations in which said land lies, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other adjacent lands of the same quality in such city, town or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners thereof in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the

Tax on corporate property.

Shares deemed personal estate, and taxable as such.

Income, and report to legislature.

State may maintain an action to recover excess over ten per cent.

Annual meetings.

Directors, choice of.

Special meetings may be called by directors.

Legislature may inquire into doings of corporation.

Organization, location, &c., when to be made.

road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time, one moiety, or such other portion as the legislature may from time to time determine, of the net income of said railroad, accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over to the treasurer of said corporation, as a tax in the treasury of the State, for the use of the State; and the State may have and maintain an action against said corporation therefor, to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 14. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

SECT. 15. If the said corporation shall not have been organized, and the location, according to actual survey of the route, filed with the county commissioners of the county through which the same shall pass, on or before the first day of March, in the year of our Lord one thousand eight hundred and seven-

ty-three, or if the said corporation shall fail to complete at least eighteen miles of said railroad on or before the first day of March, in the year of our Lord one thousand eight hundred and seventy-six, in either of the above mentioned cases, this act shall be null and void.

SECT. 16. The corporation is hereby invested with power to make connections with any other road or roads, and on such terms as the members may deem expedient and proper ; and it is hereby authorized to lease the road, either before or after it shall have been completed, on such terms and for such time as the members at a meeting regularly called for that purpose shall determine.

Authorized to connect with other roads.

SECT. 17. Other railroad companies now incorporated or hereafter to be incorporated in this State, shall have the right to connect their railroads with the railroad of the Penobscot and Union River Railroad Company, in any town along the line of its road ; and no discrimination in the rates of freight or passengers shall be made by said company, nor by any party who may operate its line of railway or any part thereof, between railroads having the right to connect with its railroad as aforesaid ; but all passengers and all freight coming from or going to any other road having such right to connect, shall be transported promptly and on terms alike favorable by said company over its own road, or by any party operating the same, and on terms as favorable as the like service is or shall be performed for transportation commencing and terminating on the line of railway of said company.

Other railroad companies may connect with P. & U. Riv. R. Co.

Rates.

Passengers and freight.

SECT. 18. This act shall take effect when approved. *Approved March 1, 1870.*

LAWS OF 1870, CHAP. 481.

An act to authorize certain towns and the city of Ellsworth to aid in the construction of the Penobscot and Union River Railroad.

Be it enacted, &c. SECT. 1. The towns of Brewer, Orrington, Bucksport, Orland, Penobscot, Surry and Bluehill, and the city of Ellsworth, or so many of them as shall accept this act, are severally authorized to loan their respective credits to

Loan authorized, not exceeding fifteen per cent. of valuation.

the Penobscot and Union River Railroad Company, in aid of the construction of their railroad, in amounts not exceeding fifteen per cent. of the State valuation for the year eighteen hundred and seventy of said towns and city respectively, subject to the following terms and conditions.

Acceptance of
act, &c.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within three years from its approval produce evidence satisfactory to the selectmen of the towns and the mayor of the city, for the time being, that the sum of two hundred and twenty-five thousand dollars has been subscribed and paid to the stock of said company and expended or to be expended in the construction of their road and the purchase of the right of way, exclusive of all stock subscribed by said towns and city, then such fact shall be certified by the selectmen or mayor to the town or city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of constructing and completing said road, the scrip of said town or city, payable to the holders thereof, in sums of one thousand dollars or less, as the parties may agree, at such time as said town or city shall determine, not exceeding thirty years from the date thereof, not to exceed the sum of fifteen per cent. of the valuation of such town or city as aforesaid, with coupons for interest attached, payable semi-annually, all, both principal and interest, payable in Bangor, Bucksport, Ellsworth, Portland and Boston, the same to be signed by the town or city treasurer and countersigned by the first selectman of the town or the mayor of the city issuing said scrip.

Scrip, how
signed.

Delivery of
scrip and bond.

SECT. 3. Concurrent with the delivery of said scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to said town and city treasurer the bond of said company in the penal sum of nine hundred thousand dollars, payable to said towns and city conditioned to save them harmless on account of the issue of the same. And shall also execute and deliver to said treasurers the scrip of said company payable to the holders thereof at the same time and for the same amount as the scrip then issued by said treasurers to said company, with

the like coupons attached, which scrip shall be held by said towns and city as collateral security for the fulfillment of the conditions of said bond ; and in default of any one of said conditions, said towns and city may from time to time sell said scrip or any portion thereof, at public auction, in the cities of Ellsworth, Bangor, Portland, Boston or New York, or the town of Bucksport, after sixty days notice in writing to the president or one of the directors, or three of the stockholders of said company, naming therein the time and place of sale, and the net proceeds thereof shall be endorsed on said bond.

Sale of scrip at auction.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon receipt of said scrip from said towns and city, and the delivery of their bond to said towns and city to secure the payment of the same, to execute and deliver to said towns and city a mortgage of said railroad, and of all the property of said company, real and personal, which they then have, or may subsequently acquire, together with their franchise without prior incumbrance, which mortgage shall be signed by the said president in his official capacity, and shall be executed according to the laws of this State, and shall be in due legal form, and shall contain apt and sufficient terms to secure to said towns and city the fulfillment of all the conditions in said bond contained ; and said mortgage so executed and delivered and recorded in the registry of deeds for the counties of Penobscot and Hancock, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer of said railroad, of all the property of said company, real and personal, then or subsequently to be acquired, and of said franchise, subject only to the conditions therein contained, any law to the contrary notwithstanding.

Officers to execute mortgage to towns.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the selectmen of said towns and mayor of said city to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor and Ellsworth,

Foreclosure of mortgage, mode of.

and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the counties of Penobscot and Hancock, which publication and records shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the conditions shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road and to all the property and franchises aforesaid, absolute in said towns and city.

Interest upon scrip, neglect to pay, proceedings in case of.

SECT. 6. If the directors of said company shall at any time neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bond, the said towns and city may take actual possession in the manner hereinafter provided, of the whole of said railroad and of all the property, real and personal, of the company and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged.

—notice and service of same.

A written notice, signed by the selectmen and mayor and served upon the president or treasurer or any director of the company, or if there be none such, upon any stockholder of the company, stating that the towns and city thereby take actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the said towns and city, and shall enable the towns and city to hold the same against any other claims thereon until such purposes have been fully accomplished.

Moneys belonging to road, how applied.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the towns and city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by

them paid to the town and city treasurers, or some one of them, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the towns and city therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the town and city treasurers or some one of them, after deducting the amount expended, or actually due for the running expenses of the road, for services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the town or city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the town and city treasurers, whose duty it shall be to sue for the same, to be by them held and applied as herein required.

Payments to be made monthly and applied to payment of interest and principal.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the selectmen and mayor may cause a suit in equity to be instituted in the name of the towns and city, in the supreme judicial court, in the county of Penobscot or Hancock, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Suits in equity may be commenced to enforce certain rights.

SECT. 9. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or

Neglect to choose directors or other necessary officers, selectmen and mayor shall appoint.

any other necessary officers, or none such shall be found, the selectmen and mayor shall appoint a board of directors consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

SECT. 10. As an additional or accumulative protection for said towns and city, all liabilities which by said towns and city may be assumed or incurred under, or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said towns and city a lien on said railroad, its franchise, and all of its appendages, and all real and personal property of said railroad corporation; which lien shall have the preference and be prior to all other liens and incumbrances whatever, and shall be enforced, and the rights and interest of said towns and city, protected, when necessary, by suitable and proper judgments, injunctions or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court.

Act not to take effect unless accepted by company and by towns and city within three years.

SECT. 11. This act shall not take effect unless it shall be accepted by said company, and by a vote of the inhabitants of said towns and city voting in meetings duly called according to law, within three years after the approval of this act by the governor; and at least two-thirds of the votes cast at such meetings shall be necessary for the acceptance of this act. The respective town and city clerks shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect and be in full force thereafter on the towns and city so accepting the same.

Clerks of respective towns and city to make record of proceedings.

SECT. 12. This act shall take effect when approved. *Approved March 17, 1870.*

LAWS OF 1872, CHAP. 64.

An act to authorize the town of Bucksport to take additional stock in the Penobscot and Union River Railroad Company.

Be it enacted, &c. SECT. 1. The town of Bucksport is hereby authorized to take additional stock in the Penobscot and Union River Railroad Company, to an amount not exceeding ten per cent. of its State valuation, subject to all the restrictions and provisions of sections eighty, eighty-one and eighty-two of chapter fifty-one of the revised statutes, not inconsistent herewith.

Authorized to take additional stock.

Restrictions and provisions.

SECT. 2. This act shall take effect when approved. *Approved February 8, 1872.*

LAWS OF 1873, CHAP. 232.

An act to amend the charter of the Penobscot and Union River Railroad Company.

Be it enacted, &c. SECT. 1. Chapter three hundred and ninety-five of the special laws of eighteen hundred and seventy, for the incorporation of the Penobscot and Union River Railroad Company, is hereby amended so that the corporate name of said company, after this act shall have been accepted by the stockholders, shall be the Bucksport and Bangor Railroad Company, instead of the name in the act aforesaid.

Corporate name changed.

SECT. 2. The time for making the location provided in section fifteen of said act, is extended to December thirty-first, in the year eighteen hundred and seventy-four, and the charter shall be valid and the rights of the corporation sustained as to such part of the line as shall have been so located within said extended time; but there shall be no authority under this act to make further location after that time, except of sidings upon the part already located.

Location of time extended.

Proviso.

SECT. 3. This act shall take effect when approved. *Approved February 1, 1873.*

An act to authorize the Bucksport and Bangor Railroad Company to extend their wharves into tide waters at Bucksport village.

Authorized to
extend wharf.

Be it enacted, &c. SECT. 1. The Bucksport and Bangor Railroad Company and their assigns are hereby authorized and empowered to widen and extend their wharf known as the old steamboat wharf, into the tide waters in the harbor of Bucksport village a distance of one hundred and twenty feet from low water mark.

—to erect and
maintain other
wharves.

SECT. 2. Said company and their assigns are also authorized and empowered hereby to erect and maintain other wharves in front of their land assigned to them by the railroad commissioners of the State, and to extend the same into the tide waters a distance of one hundred and twenty feet from low water mark and no further.

Proviso.

SECT. 3. Provided said wharves shall not obstruct the navigation of the Penobscot river any more than other wharves now existing in said harbor.

SECT. 4. This act shall take effect when approved. *Approved February 25, 1874.*

ARTICLES OF AGREEMENT AND LEASE

Made this tenth day of September, in the year of our Lord one thousand eight hundred and seventy-four, by and between the Bucksport and Bangor Railroad Company, a corporation existing under and by virtue of the laws of the State of Maine (hereinafter called the Bucksport Company,) and the consolidated European and North American Railway Company, a corporation existing under and by virtue of the laws of the State of Maine and the laws of the Province of New Brunswick (hereinafter called the European Company,) for leasing by said Bucksport Company the line of railroad now being constructed and built by said company to said European Company, as authorized in and by the charter of said Bucksport Company.

Whereas, said Bucksport Company is now constructing and building a line of railroad from tide water in the town of Bucksport, in said State of Maine, to the city of Bangor in said State, there to connect with the line of railroad now owned and operated by the said European Company, and the directors of both of said companies have, upon mature consideration, determined that the interest and advantage of the respective stockholders of said companies and the public interest and convenience will be greatly promoted by the lease of the line of railroad of the Bucksport Company to the European Company:

Now, therefore, these presents witnesseth: That said Bucksport Company hereby agrees with said European Company to construct, build, complete and finish its railroad from tide water in said town of Bucksport to said city of Bangor, and there to connect it with the railroad of said European Company in like manner as the same is now located.

And said Bucksport Company also agrees to prepare, construct, build, complete and finish a turn table, an engine house, a car house, side tracks and terminal tracks at the Bucksport terminus of its road, and shall provide at said terminus suitable accommodations for the reception and delivery of passengers and freight to and from vessels doing business in connection with said railroad upon the wharf or wharves of said Bucksport Company; but all warehouse charges or storage for freight upon said wharf or wharves shall belong exclusively to said Bucksport Company.

Said Bucksport Company shall also furnish all such station grounds, station buildings, water stations, section and tool houses as the business coming upon the line of railroad may require, and which may be necessary for conveniently operating said line of railroad between the points above named for the term of five years from and after said line of railroad shall be delivered to and received by said European Company as hereinafter provided, it being distinctly understood between the parties hereto that nothing is to be required of said Bucksport Company and that

BUCKSPORT AND BANGOR RAILROAD CO.

it agrees to furnish nothing in the city of Bangor except the connection with the road of said European Company as provided for.

Said Bucksport Company agrees that its said railroad buildings, structures and appurtenances shall be connected in a thorough manner so as to constitute, in the opinion of competent and skillful engineers, a first class railroad ready in all respects for the transaction of business upon and over the same, and when so completed and finished, said Bucksport Company hereby lets and leases said line of railroad with all needful buildings appertaining thereto to said European Company for the term of five years from and after the time when possession thereof is taken by said European Company.

And said European Company hereby agrees with said Bucksport Company to take a lease, and take possession under such lease, of the line of railroad of the latter company as above named as soon as it shall be completed and finished as above provided, and to furnish all rolling stock and equipments necessary to operate said railroad to the best advantage and do all business of every kind requisite to be done and performed upon and over said road by individuals and the public generally in a prompt and efficient manner, and also to keep said railroad and buildings and other property connected therewith in good and efficient order and repair, ordinary wear and tear alone excepted, and run and operate the said railroad for the term of five years from and after the day of taking possession of the same, and at the end of said time to surrender the same in like good order and condition as aforesaid, reasonable wear and tear alone excepted, to said Bucksport Company, its successors and assigns.

And said European Company further agrees to keep in proper books of account, a separate and accurate account of all the business done and performed upon and over said line of railroad of the Bucksport Company, and at the end of each quarter during the continuance of said lease commencing three months from the day of taking possession under the same, to render to said Bucksport Company a full and accurate account of all the money earned and received for business done and performed upon and over said road during said quarter, said account to be so rendered at the close of each quarter; and the said European Company further agrees to pay within ten days after the rendition of each such account, forty per centum of all the money earned and received during said quarter as ascertained and shown by said account so rendered to said Bucksport Company. The accounts thus kept always to be open to the inspection and examination of the president, directors and treasurer of the Bucksport Company.

And it is further agreed between the parties hereto, that the number of passenger and freight trains to be run upon and over said road of said Bucksport Company, and the time of running the same and the tariff rates for the transportation of passengers and freight thereon shall from time to time be agreed upon, fixed and detained by the respective boards of directors of said company, and in case said boards shall fail to agree upon any of said matters, then the question in controversy shall be submitted to the railroad commissioners, for the time being, of the State of Maine, whose decision shall be final and binding upon both parties hereto.

These articles of agreement and lease shall become binding upon said companies' parties hereto, and take effect when the same shall have been duly executed according to law.

It is further understood and agreed by and between the parties hereto that no charge shall be made for the use of the depot or rails or any of the appurtenances of the European Company at Bangor.

It is also further agreed that in case any change is made in the gauge of the railway of the European Company during the period of the aforesaid lease, the rails on the road of the Bucksport Company shall be changed and made to conform thereto and the expense of so doing shall be paid and borne by the said European Company.

In witness whereof, said Bucksport and Bangor Railroad Company has caused its name to be herewith signed and its seal affixed by its president and treasurer duly authorized, and said consolidated European and North American Railway Company has caused its name to be hereto signed, and its seal affixed by its president and treasurer duly authorized the day and year first above written.

Bucksport and Bangor Railroad Company, by

[L. S.]

SEWALL B. SWAZEY, *President.*
EDWARD SWAZEY, *Treasurer.*

Consolidated European and North American Railway Company, by

[L. S.]

G. K. JEWETT, *President.*
N. WOODS, *Treasurer.*

Whereas, the railroad between Bucksport and Bangor, named in the annexed contract is not fully completed, and that it is difficult and expensive to finish and complete the same during the winter and spring of the year. Now it is agreed by and between the parties within named, that said European Company may run and operate the within named railroad, and account for the receipts thereof according to the provisions of said contract, and that the taking possession thereof by said European Company for that purpose shall not be considered an acceptance of said railroad as finished and completed according to said contract, and that said Bucksport Company shall and will, at its own expense, finish and complete said railroad during next season, as a first class railroad as provided and contemplated in and by said contract; but it is expressly understood and agreed that any damage that may occur to the railroad shall be repaired at the expense of the European Company.

In witness whereof, said companies have caused their several names to be hereto subscribed, by the several presidents thereof this twelfth day of December, A. D. 1874.

Bucksport and Bangor Railroad, by

SEWALL B. SWAZEY, *President.*

Consolidated European and North American Railway Company, by

G. K. JEWETT, *President.*

EUROPEAN AND NORTH AMERICAN RAILWAY COMPANY.

The European and North American Railway extends from Bangor to St. John. The portion of it in the State of Maine, from Bangor to Vanceborough, is one hundred and fourteen miles, the portion in New Brunswick, from Vanceborough to Ferry at St. John, is ninety-one one-half miles, making the entire length of the road two hundred and five and one-half miles.

By articles of agreement and consolidation the Bangor and Piscataquis Railroad forty-eight miles, has been leased to the *consolidated* European and North American Railway, so that the road embraces two hundred and fifty miles, one hundred and sixty-two of which are in Maine.

LAWS OF 1850, CHAP. 378.

An act to incorporate the European and North American Railway Company.

Corporators.

Be it enacted, &c. SECT. 1. Elijah L. Hamlin, Anson G. Chandler, John A. Poor, Moses L. Appleton, Samuel P. Strickland, Leonard March, Wyman B. S. Moor, Daniel W. Bradley, George W. Pickering, Waldo T. Pierce, Rufus Dwinel, Josiah S. Little, James B. Cahoon, Charles Q. Clapp, F. O. J. Smith, John B. Brown, John Anderson, George F. Shepley, Henry Carter, Thomas J. D. Fuller, John Stickney, George M. Chase, George Downes, Noah Smith, junior, Ichabod R. Chadbourne, Bion Bradbury, James P. Wheeler, James S. Pike, Stephen R. Hanscom, John N. M. Brewer and Stephen Emerson, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the European and North American Railway Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoyed, and to prevent all invasion thereof or interruption in exercising and

Corporate
name.

performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a railway, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from the city of Bangor, crossing the Penobscot at some point north of the Bangor and Brewer bridge, over the most practicable route, in a line to the city of St. John, in New Brunswick, to the eastern boundary of the State ; so as best to connect there with a railway to be constructed from said city of St. John to said eastern boundary, under a charter from said province ; with the like name as is used in this charter as the directors of said corporation in the exercise of their best judgment and discretion shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation shall be and hereby is invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase or to take and hold so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction and convenient operation of said railroad ; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken : *provided however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment : *and provided, also*, that in all cases, said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on ; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the

Authority to locate and construct a railway.

General course and direction of route.

59 Me. 525.

Power and authority.

Right to take and hold land and other estate.

Proviso.
59 Me. 535.

Damages for land, &c., how determined.

Damages, application for to be made within three years.

Authorized to fell and remove trees, &c.

Compensation, &c.

Powers and privileges.

Estate of infant persons, &c., when taken.

Capital stock.

Government, &c.

President.

case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such lands or other property ; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

SECT. 2. When said corporation shall take any land or other estate as aforesaid, of any infant, person non compos mentis, or feme covert, whose husband is under guardianship, the guardian of such infant or person non compos mentis, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than forty thousand shares ; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their officers until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business ; and they shall elect one of their number to be president of the board, who shall also be the president of the corporation ; and shall have au-

thority to choose a clerk who shall be sworn to the faithful discharge of his duty ; and a treasurer, who shall be sworn and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than fifty thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the three persons first named in the first section of this act, at such time as they may determine, in the town of Calais, and the cities of Augusta, Bangor and Portland, in this State, and elsewhere as they shall appoint, to remain open for ten successive days, of which time and place of subscription, public notice shall be given in some newspaper printed in Portland, Augusta, Bangor and Calais, twenty days at least previous to the opening of such subscription ; and in case the amount subscribed shall exceed forty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And the three persons first named in the first section in this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town and cities last above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

Clerk.

Treasurer.

Books for subscription--when opened.

Notice to be given, &c.

Excess over 40,000 shares, how distributed.

First meeting, how called.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws.

SECT. 5. The president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this

President and directors, authority of.

grant ; to purchase and hold within or without the State, land, materials, engines and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods and property of all descriptions ; to make such equal assessments from time to time, on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation.

Assessments,
notice of to be
given.

Shares of delin-
quent subscri-
bers, how dis-
posed of.

And the treasurer shall give notice of all assessments ; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale ; and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due, with interest and costs of sale ; *provided*, that no shareholder in said company shall be in any manner whatever, liable for any debt or demand due by said company, beyond the extent of his, her or their shares in the capital stock of said company not paid up ; and no assessment shall be laid upon any shares in said company of a greater amount in the whole, than one hundred dollars.

Proviso.

Toll.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property—the construction of wheels—the form of cars and carriages—the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Transportation
and construc-
tion, regulation
of.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter, with any other railway existing or to be constructed within this State. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads, so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

Company authorized to connect with other roads, &c.

Transportation of passengers and property from connecting roads, regulated.

SECT. 8. If the said railroad in the course thereof shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroads shall in the course thereof cross any canal, turnpike, railroad or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike or other highway; and the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way.

Ways, public and private, crossings regulated.

SECT. 9. Said railroad corporation shall constantly maintain in good repair all bridges with their abutments and embankments which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

SECT. 10. If said railroad shall in the course thereof, cross any tide waters, navigable rivers or streams, the said corpora-

Tide waters, &c., crossings regulated.

tion are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters ; *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

Proviso.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through inclosed or improved lands, or lands that may hereafter be improved ; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same ; and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Fences, construction of.

SECT. 12. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States, from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. And said corporation, after they shall commence the receiving of tolls shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or merchandize to pass over said railroad other than its own, furnished and provided for that purpose, as here-

Mail, transportation of.

Road to be kept in good repair.

Company bound to transport passengers and freight.

Lien on freight, &c., for transportation of, &c.

Engines and cars of other roads not allowed to pass.

in enjoined and required. *Provided, however,* that the said corporation shall be under obligations to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized; such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll, and all other particulars enumerated in said sections.

Proviso.

SECT. 13. If any person shall wilfully and maliciously or wantonly and contrary to law obstruct the passage of any carriage on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons, assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer, whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences, contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Trespass, &c.,
penalty for.

Liable to indictment.

SECT. 14. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year, the treasurer of said corporation shall make an exhibit under oath to the legislature, of the net profits derived from the income of said railroad.

Account of expenditure, &c.
how kept.

Real estate,
where taxable,
&c.

Shares deemed
personal prop-
erty.

Report of net
income to be
made to the leg-
islature, &c.

One moiety to
be paid over to
the treasurer of
State.

Annual meet-
ing, when hol-
den, &c.

Directors,
choice of.
Votes.

Legislature,
right of to in-
vestigate the
doings of said
company.

SECT. 15. All real estate purchased by said corporation for the use of the same under the fifth section of this act shall be taxable to said corporation by the several towns, cities and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality in such town, city or plantation, and not otherwise, and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum, upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety or such other portion as the legislature may from time to time determine, of the net income from said railroad accruing thereafter over and above ten per centum per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State for the use of the State. And the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy, being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by said corpora-

tion, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary, more effectually to compel a compliance with the provisions, liabilities and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations. And this charter shall not be revoked, annulled, altered, limited or restrained without the consent of the corporation, except by due process of law.

Charter not re-
voked, &c.,
without due
process of law.

SECT. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five, in either of the above mentioned cases, this act shall be null and void.

Organization
and location,
time limited.

SECT. 19. Said company shall not engage in, nor commence the construction of any section or sections of said railway, until seventy-five per centum of the estimated cost of said section or sections shall have been subscribed for by responsible persons.

Commence-
ment of con-
struction pro-
hibited until
twenty-five pe-
cent. of the es-
timated cost be
subscribed for.

SECT. 20. If said provinces or either of them, shall in any legal way and manner, constitute this company a company within its limits and jurisdiction, this company is hereby authorized and empowered to exercise within said limits and jurisdiction of such province all the rights and powers and shall have and enjoy all the privileges and immunities which it could have, exercise and enjoy within this State.

Powers and
rights within
the provinces.

SECT. 21. The said European and North American Railway Company are hereby authorized and empowered to contract with the government of the United States, and any foreign government or power for the carrying of the mail of any such government or power over or within any of the territories where said company may exercise or enjoy any of the powers, privileges or immunities herein granted to it. *Approved August 20, 1850.*

Authorized to
contract for
carrying the U.
S. and foreign
mails.

EUROPEAN AND NORTH AMERICAN RAILWAY.

LAWS OF 1850, CHAP. 390.

An act concerning the European and North American Railway Company.

Be it enacted, &c. In case the European and North American Railway Company shall be constituted a corporation in the provinces of New Brunswick and Nova Scotia or either of them, then, and in that case, the said company may be allowed to increase its capital stock, in shares of one hundred dollars each, to an amount equal to the cost of constructing said road so incorporated and constituted, not exceeding the number of one hundred and fifty thousand shares in all.

Approved August 27, 1850.

In case limits
extended may
increase capital
stock.

RESOLVE OF 1850, CHAP. 273.

Resolves in favor of a survey for the European and North American Railway.

Resolved, That the governor be authorized to cause a reconnoissance and preliminary survey to be made of a route for said railway, from the city of Bangor crossing the Penobscot river north of the Bangor and Brewer bridge, over the most practicable and direct route in a line to the city of St. John in New Brunswick, to the eastern boundary of the State; so as to connect there with a railway to be constructed from said city of St. John to said eastern boundary.

Resolved, That the governor be authorized to draw his warrants upon the treasury from time to time not exceeding the sum of five thousand dollars, to defray the necessary expenses of said reconnoissance and survey; said sum to be expended and paid under the direction of the governor and council.

Resolved, That the persons conducting said survey, shall examine and report such geological and minerological evidence and facts as shall be discovered by them in making such survey. *Approved August 20, 1850.*

RESOLVE OF 1850, CHAP. 301.

Resolve in regard to the European and North American Railway Company.

Resolved, That the governor is hereby authorized and empowered to communicate to the president and congress of the United States from time to time such information as he may deem it advisable to lay before them, as to the advantages of the route through Maine proposed for the European and North American Railway for securing the most rapid means of communication between Europe and America, and to invite such co-operation on the part of the general government in aid of the same as the interests of Maine may require. *Approved August 28, 1850.*

RESOLVE OF 1851, CHAP. 367.

Resolve providing for the distribution of the report upon the survey of the European and North American Railway, and other documents relating to the same.

Resolved, That the governor is hereby authorized to cause to be published and distributed in sufficient numbers of copies of the plan and survey made by A. C. Morton, Esquire, of the line of the European and North American Railway, and such other information in regard to said railway, its practicability and advantages, as he may deem for the best interests of the State.

Resolved, That the governor is hereby authorized to cause further explorations and surveys to be made as far as may be necessary to perfect the plans and surveys already made.

Resolved, That the governor is hereby authorized to cause a suitable number of copies of the documents published in regard to said railway, to be forwarded to the provincial authorities of New Brunswick, Nova Scotia and Canada, and to the president and congress of the United States, and to the governors of other States, as he may deem expedient; and to lay before them such information as he may think advisable to communicate, in regard to the advantages of a route through Maine, for shortening the transit between Europe and America.

EUROPEAN AND NORTH AMERICAN RAILWAY.

Resolved, That a sum not exceeding two thousand dollars be appropriated for carrying out these resolves, to be expended at the discretion of the governor. *Approved June 3, 1851.*

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 7, 1852.

The committee on railroads and bridges, to whom was referred the memorial of John A. Poor, Elijah L. Hamlin and Anson G. Chandler, executive committee for Maine, to promote the construction of the European and North American Railway,—praying for an expression of the legislature of Maine in support of their application to congress,—asking assistance from the government of the United States in behalf of said railway.

REPORT.

The European and North American Railway, when constructed, in connection with other railways built, or in progress, will connect the British Provinces of Canada, New Brunswick and Nova Scotia with each other, and the United States, over the easiest and natural routes of travel,—and at the same time, shorten to the lowest limit of time and cost, the transit of the mails between New York and London. It is proposed in concurrence with the British Provinces, to bring the two great lines, from New York, and from Montreal, to a point of junction and connection in Maine,—either at the Kennebec or Penobscot river,—and crossing the Penobscot above the head of sea navigation extend a single trunk line, to the shore of Nova Scotia or Cape Breton, at the nearest available point of this continent to Europe—so that between Galway in Ireland—the nearest and most accessible port for trans-atlantic navigation to Europe—and the American steamship terminus, the Atlantic ferry shall be crossed at its narrowest strait.

It is calculated that by shortening the sea voyage to the lowest limit, and dispensing with all unnecessary burden, the gain of two miles per hour at sea, may be made, and that the speed of the locomotive may be three times as great as that of

the steamer. Comparing the present mail route between New York and London with that by the European and North American Railway through Maine, the result may be stated as follows:

PRESENT ROUTE.

Steamer from New York to Liverpool,	3,100 mls.	
at 13 1-8 miles per hour,	.	9 dys. 20 hr.
Railway from Liverpool to London,	211 mls.	5 hr.
	<hr/>	<hr/>
	3,311 mls.	10 dys. 1 hr.

PROPOSED OVERLAND ROUTE.

Railway from New York to Halifax,	867 mls.	2 dys. 22 hrs.
Steamer from Halifax to Galway, at the		
rate of 15 miles per hour,	2,130 mls.	5 dys. 22 hrs.
Railway from Galway to Dublin,	126 mls.	3 hrs.
Steamer from Dublin to Holyhead,	63 mls.	3 hrs.
Railway from Holyhead to London,	263 mls.	6 hrs.
	<hr/>	<hr/>
	3,449 mls.	7 dys. 8 hrs.

The speed of the railway train being three times as great as the steamer, a gain of sixty-five hours time is made by the route proposed, adopting the highest speed yet attained in ocean navigation. If we assume an increased speed in the future, the committee believe that the same advantage may still be maintained by the proposed route through Maine.

The memorial to congress in behalf of this enterprise, presents this whole matter in so clear and forcible a light that it cannot fail to arrest attention, and secure for the enterprise the favorable regards of the country. Notice of two bills in aid of the European and North American Railway, have been given by the honorable Mr. Washburn in the house of representatives, designed to carry out the plan proposed, and to aid the friends of the enterprise in Maine, one entitled.

“An act for shortening the transit of the mails between New York and London,” the other *“an act making a grant of land to the State of Maine, in aid of the construction of*

the European and North American Railway," copies of which bills, with the petition to congress—the despatches of Earl Grey—and the laws passed in Canada and Nova Scotia—make a part of the memorial to the legislature, accompanying which, is a copy also of the application to Massachusetts in its behalf.

The memorial, after showing the commercial advantages of the European and North American Railway and its claims to support as a commercial undertaking whereby the saving of time in the transit of mails is fully shown; asks for a permanent mail contract over this route at the rates paid between New York and Liverpool. It also asks in behalf of Maine a grant of two millions of acres of the ungranted land. While therefore the enterprise itself has claims upon congress for its intrinsic merit sufficient to warrant the application for aid in the form proposed, it is right to insist upon a proper respect towards Maine on account of the sacrifice of her interests in the settlement of the North Eastern Boundary dispute by the treaty of Washington. If Texas was entitled to ten millions gratuity for yielding her doubtful claim to a comparatively worthless territory, how much ought Maine to receive for a more valuable one whose title has been fully recognized by congress.

In view of the foregoing the committee ask leave to report the following resolutions. H. CARTER, per order.

RESOLVE OF 1852, CHAP. 404.

Resolve in support of the memorial to congress asking assistance from the United States government in behalf of the European and North American Railway.

Resolved, That the commercial position of Maine authorizes her to aim at a leading share in all the great business movements of the age;—while Maine is the natural sea-coast for the Canadas and of the larger part of New England, having the finest harbors of the whole country, she is in the direct route of the principal commerce between Europe and America, and the bringing together of two great lines, which connect us with Canada and the whole of the

United States to a point of junction in Maine—one from Montreal on the north and the other from New York on the south, when they shall form one grand trunk line to be extended from the valley of the Kennebec to the eastern shore of Nova Scotia is the work that shall make Maine known and felt as a leading State in the confederacy.

Resolved, That while the movements toward carrying out the plan of the European and North American Railway have aroused the British ministry to the adoption of measures calculated to counteract the exertions in its behalf by the proffers of assistance toward building the Halifax and Quebec Railway entirely through British territory ;—it is a source of sincere gratification to know that the provinces will not forego the advantages of the European and North American Railway, for the sake of the Quebec line, and that there is now every encouragement to prosecute exertions in behalf of the enterprise we have in view, in the assurance that the line will be met by the provinces, at the river St. Croix.

Resolved, That a trunk line of railway from Halifax to Montreal, through Maine, in connection with the lines now built or in process of construction, is the only measure that can offer proper inducements for the employment of capital, or that can satisfy the wants of the people of the Provinces. Over such a route the traffic and travel of Canada and the west, would find its easiest outlet, and the increasing tide of transatlantic travel seeking the shortest possible sea voyage, would give it advantages, ensuring cheaper conveyance than over any other route between the commercial capitals of Europe and America.

Resolved, That the application made to the United States government in behalf of the European and North American Railway through the executive committee for Maine, deserves support from congress, and the passage of the bills presented by honorable Mr. Washburn, one entitled “an act making a grant of land to the State of Maine to aid the construction of the European and North American Railway,” the other entitled “an act for shortening the transit of the mails between New York and London,” are earnestly pressed upon the consideration of congress.

Resolved, That our senators and representatives in congress, are requested to urge the passage of the bills before referred to, and that they ask such other assistance to the European and North American Railway, as it may be in the power of congress to grant.

Resolved, That the interest of Massachusetts in this question, and the extent of her interest in public lands lying in Maine, justifies us in asking at the hands of that commonwealth similar support, and that the legislature of Massachusetts is hereby invited to unite with us in the foregoing request.

Resolved, That the governor be requested to transmit these resolves to the president of the United States, and to each house of congress and the governor of Massachusetts.

Resolved, That the governor be requested to transmit copies of the foregoing resolves to each of the senators and representatives of this State in the congress of the United States.
Approved March 27, 1852.

LAWS OF 1853, CHAP. 166.

An act to provide for certain railroad connections for the European and North American Railway Company.

Authorized to
connect with
Penobscot and
Kennebec
Railroad.

Terms of trans-
portation, &c.

Be it enacted, &c. SECT. 1. The European and North American Railway Company is hereby authorized to connect its railroad at Bangor, with the Penobscot and Kennebec Railroad, upon such terms and arrangements that all passengers, merchandise and property coming from or destined to the road of said European and North American Railway Company, shall be transported over said Penobscot and Kennebec Railroad, at rates of fare, and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company for any other passengers, merchandise or property transported over the road of said company.

SECT. 2. Any railroad company which has been or may hereafter be chartered by the legislature with authority to extend its road to any point on the chartered route of the Penobscot

and Kennebec Railroad, shall be at liberty to connect its road with said Penobscot and Kennebec Railroad, upon either side hereof, and all passengers, merchandise or other property coming from or destined to such connecting road shall be transported over said Penobscot and Kennebec Railroad, to or from the point of connection, at rates of fare and freight as favorable as shall at the same time be established or allowed by said Penobscot and Kennebec Railroad Company, for any other passengers, merchandise or property transported over the road of said company.

Certain railroads authorized to connect with Penobscot and Kennebec Railroad.

Rates of transportation, &c.

SECT. 3. All passengers, merchandise and property, transported over any connecting road mentioned in the two preceding sections, coming from or destined to the Penobscot and Kennebec Railroad, shall be carried, received and delivered by such connecting company, at rates of fare and freight as favorable as shall at the same time be established or allowed by such connecting company, for any other passengers, merchandise or property transported over such connecting road.

Transportation to or from connecting roads, regulation of.

SECT. 4. If any of the connecting companies aforesaid, shall be unable to agree with the Penobscot and Kennebec Railroad Company, in respect to the place or manner of connection with said railroad, or in respect to the terms of such connection, or the rates of fare and freight thereon, both for local and through business, or the division of receipts resulting from transportation over the roads so connected, either party may apply to the supreme judicial court, holden at any term, within any county, in which either of such connecting roads shall be located, for the appointment of commissioners to determine upon the matter of such disagreement. Such notice of said application shall be given to the other party, as the court may direct, and thereupon the court shall appoint three commissioners, who shall, upon due notice to the parties interested, and after hearing the same, proceed to determine and award, in writing, upon the matter submitted to them, and prescribe the things to be done and performed by the parties, or either of them, and said commissioners shall award costs to either party at their discretion. The award of said commissioners, or a majority of them, shall be returned to the court in the county

Junction, rates of transportation, &c., of connecting roads, how determined.

Notice of application to be given.

Award of commissioners.

Costs, &c.

Award, where returnable.

—acceptance of,
&c.

Application for
further award.

Court may pre-
scribe the mode
of proceedings
of commission-
ers, &c.

Stock of
European and
North Ameri-
can Railway,
how deter-
mined.

Bonds.

Authorized to
lease or pur-
chase other
railroads.

Stock and fran-
chise, consoli-
dation of.

Powers, privi-
leges, duties,
liabilities, &c.

where the application was made, and the same shall then be accepted and recorded, unless the court for cause shown, shall order the same to be recommitted, for further hearing and determination. And upon the acceptance of such award, the same shall be binding upon the respective companies interested in the same, until a new award shall be made upon a further application therefor; but no application for a further award shall be made within one year after the acceptance of a preceding award.

SECT. 5. The court shall have the power to prescribe the mode of proceeding by said commissioners and may issue all such process as may be necessary to secure the due execution and performance of any award made and accepted under the provisions of this act.

SECT. 6. The capital stock of the European and North American Railway Company may be divided into not less than one thousand, nor more than one hundred and fifty thousand shares of twenty pounds sterling each, or of one hundred dollars each as said company may elect; and said company may issue its bonds in sterling currency in the same manner as is now authorized by law.

SECT. 7. The European and North American Railway Company is hereby authorized to purchase or lease any portion of any other railroad which has been chartered and located, or may hereafter be located between the city of Bangor and the eastern boundary of the State, and may purchase or lease the Penobscot and Kennebec Railroad so as to form a connected line of road from the boundary aforesaid to the western terminus of said Penobscot and Kennebec Railroad. And in case of any such purchase, the stock and franchise of the company whose road shall be so purchased, shall be consolidated into and become a part of the stock and franchise of the European and North American Railway Company; and all the privileges and powers acquired by such purchase shall be held and enjoyed under the charter of said company, and said company shall be required to perform and discharge all the duties and liabilities imposed by law upon the company whose road shall be so purchased.

SECT. 8. A further time of one year from the passage of this act is hereby granted, within which the said Penobscot and Kennebec Railroad Company may make a new location of any part of their road between Waterville and Bangor, but not so as to cross the Kennebec river at any point further north than the present actual location of its road at Kendall's Mills.

Penobscot and Kennebec railroad, time to make a new location extended.

SECT. 9. This act shall take effect from and after its approval by the governor. *Approved March 29, 1853.*

LAWS OF 1856, CHAP. 561.

An act to revive the charter of the European and North American Railway Company, and to extend the time for locating and building the same.

Be it enacted, &c. The charter of the European and North American Railway Company is hereby revived, and a further time of five years from the thirty-first day of December eighteen hundred and fifty-five is hereby allowed within which to organize said company and file the location of said railway; and a further time of five years within which to complete said railway in addition to the time originally allowed by law. *Approved February 20, 1856.*

Charter revived.

Extension of time for organizing and filing location allowed.

RESOLVE OF 1857, CHAP. 104.

Resolves in relation to the North American and European Railway.

Whereas, an extension of the railroad system of the United States in connection with that of the British North American Provinces, to an available seaport in Nova Scotia, which would shorten the time, and improve the safety, rapidity and frequency of the postal communications between America and Europe, is a matter of high national concern, and is entitled to the same national aid and encouragement which have been extended to lines of steamships between New York and Liverpool, and more recently to a proposed line of telegraph between Newfoundland and Ireland; therefore,

Resolved, That the senators and representatives from this State in the congress of the United States, are requested to urge upon that body the national importance of the proposed

“North American and European Railway,” and the manifest justice of the claims which it presents for national encouragement and assistance.

Resolved, That the governor be requested to furnish to each of our senators and representatives in congress a copy of the foregoing preamble and resolutions. *Approved April 15, 1857.*

LAWS OF 1863, CHAP. 287.

An act to extend the time for completing the European and North American Railway.

Time for completing railway extended.

Be it enacted, &c. That a further time of five years from the last day of December, eighteen hundred and sixty-five, is hereby allowed in which to finish and complete the European and North American Railway. *Approved March 25, 1863.*

LAWS OF 1864, CHAP. 321.

An act authorizing the further extension of the European and North American Railway.

Authorized to contract with Maine Central Railway Co.

Directors of the two roads may enter into contract.

Location, time of, extended.

Be it enacted, &c. SECT. 1. The European and North American Railway Company is hereby authorized to enter into contract with the Maine Central Railroad Company for operating its line of railway as built; and the Maine Central Railroad Company is hereby authorized to contract for this purpose with said railway company, and to run its engines and cars over said line; and the directors of the two companies may enter into contract for the purpose aforesaid, on such terms and conditions as may in the judgment of the directors, be for the mutual advantage of the two companies, subject to the approval of the stockholders of each corporation.

SECT. 2. The European and North American Railway Company shall have a further time of one year, within which it may make a new location of any part of its line, but not to change its general route from Bangor to the mouth of the Mat-tawamkeag river, with the right to pass on either side of the Penobscot river, from Oldtown to Lincoln, and to extend s

branch line to the Penobscot boom, crossing any one of the islands in the Penobscot river above the Cook or Steamboat channel, between Oldtown and Orson islands; and said railway company may extend a branch of its line to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works, from any point on their line between Oldtown and Lincoln. From the mouth of the Mattawamkeag river east and north-east, the said railway company may have a further time of two years in which it may file a new location of its line to the boundary in the most direct line to St. John city, in New Brunswick.

—may extend branch to Penobscot boom.

—may extend branch to Brownville, &c.

Location, line of extended from Mattawamkeag river.

SECT. 3. Said railway company may extend a branch line of its railway from some point on its line east of the mouth of the Mattawamkeag to Houlton, and to the northern boundary of the State, with a branch line to Woodstock and to the St. John river at Woodstock village; *provided*, authority therefor be granted by the legislative authorities of New Brunswick.

May extend branch to Houlton, &c.

Proviso.

SECT. 4. The European and North American Railway Company may lease its line of railroad, or enter into and execute a contract in the nature of a lease, such as will enable the lessees thereof to maintain and operate by means of said railway and other roads in extension of the same, a connected line of railway from Bangor to Halifax, in the province of Nova Scotia; and said European and North American Railway Company, under the authority of its charter, may purchase any existing lines of railway between the city of Portland and the city of Halifax, or take a lease thereof of any one or more of them. But nothing contained in this act or any lease or contract that may be made under the authority of the same, shall exonerate said company or the stockholders thereof, from any duties or liabilities imposed upon them by the charter of said company or the general laws of the State, nor shall anything herein contained in any manner limit or circumscribe any power of the legislature of this State to enact laws affecting the rights, privileges or duties of said company; and a majority of the directors of said company shall always be citi-

May lease its line, &c.

—may purchase certain lines of railway.

—not to exonerate company from duties, liabilities, &c.

Majority of directors shall be citizens of this State.

zens of this State, and said company shall always keep their office and books in this State.

Right of property, &c., in Penobscot Railroad Co. vested in European and North American Railway.

SECT. 5. Whereas the European and North American Railway Company has acquired the rights, franchises, road-bed, right of way, and all other property of the Penobscot Railroad Company, it is hereby enacted, that said European and North American Railway Company shall have the right to enjoy the property, road-bed, rights of way, and the rights in land purchased by said Penobscot Railroad Company for road-bed, depots and other corporate purposes, and all rights of said Penobscot Railroad Company incipient or perfect, of locating and establishing its road on lands of other persons, and all its road-bed, rock cuttings, excavations, embankments, gradings, bridges, piers, abutments, or other structures or works, as an inherent part of its own franchise and property ; and the location of the line of the European and North American Railway Company, made or to be made over and upon the line of said Penobscot railroad as built, shall not give any new claim of damages to the owners of land, whose property was taken by the location of Penobscot railroad, in all cases where said Penobscot Railroad Company has paid the land damages, prior to any use thereof by said European and North American Railway Company ; the rights and properties held by said Penobscot Railroad Company shall hereafter be vested in said European and North American Railway Company, and shall remain in full force and efficiency unannulled and unimpaired, by any subsequent defeat, or dissolution of the Penobscot Railroad Company, whether by limitation of the time in which the road should be completed, or by any other means. And all bonds of the Penobscot Railroad Company taken up for a valuable consideration, and held by the European and North American Railway Company, shall be valid in the hands of said railway company as holders thereof, as a basis of title, but for no other purpose ; and no bond of said Penobscot Railroad Company shall be negotiable for any other purpose after the expiration of the charter of said company, or of any validity, other than for the purpose above set forth. Nor shall said European and North American Railway Company be in any

Bonds of Penobscot Railroad Co. valid in hands of E. and N. A. Railway Co.

E. and N. A. Railway Co. not liable for debts of P. R. R. Co.

manner liable for any debt of said Penobscot Railroad Company on account of the purchase thereof as aforesaid. And the directors of the Penobscot Railroad Company, may execute any other and further instrument of lease, transfer or other conveyance to said European and North American Railway Company to carry into effect the intentions and purposes of this act. And the proceedings of the two corporations aforesaid are hereby declared valid, in case of their approval by the stockholders of the two corporations. And section eighteen of an act approved August second, eighteen hundred and forty-seven, entitled "an act to establish the Bangor and Orono Railroad," which title was, by an additional act approved August twenty-first, eighteen hundred and fifty, changed to the Penobscot Railroad Company, be and the same is hereby repealed, and any transfer of its road-bed, right of way, or other property, or of its powers, privileges and immunities by said corporation, by lease or sale to the European and North American Railway Company, which transfer, made, or to be made, is hereby authorized, shall not operate to extinguish said Penobscot Railroad Company or to annul its charter; but it shall be regarded as still subsisting so far as its continuance for the purpose of upholding any right, title or interest, power, privilege or immunity, ever possessed, exercised or enjoyed by it, may be necessary for the protection of the European and North American Railway Company, its exercise of the powers, and its enjoyment of the privileges and immunities so transferred, being suspended, so long as the European and North American Railway Company shall exercise and enjoy them.

Directors of P.
R. R. Co.,
further powers
of.

Proceedings
declared valid.

Acts of
incorporation
repealed.

P. R. R. Co.,
charter subsist-
ing for certain
purposes.

SECT. 6. The European and North American Railway Company shall be at all times subject to such general laws in relation to railroads, as have been or may be hereafter enacted by the legislature of this State.

E. and N. A. R.
Co., subject to
general laws.

SECT. 7. In the construction of a bridge across the Kenduskeag stream, the said railway shall conform to such plans and regulations for the building of said bridge and of two draws or a pivot draw, for the passage of vessels through said bridge, and for the future management thereof at the expense

Bridge across
Kenduskeag
stream,
relating to the
building of.

Releasing a portion of lands, &c., not to impair location.

Time of building road, limited.

E. and N. A. Railway Co. aid granted for the construction of. 60 Me., 461.

—proceeds of sale of timber on certain townships appropriated. —how designated.

of the company, as shall be prescribed by the board of railroad commissioners.

SECT. 8. In all cases where the said European and North American Railway Company has taken six rods in width by the location of their line, and have or may hereafter release a portion of the lands, wharves or flats so taken, such release shall not impair their location, though a less width than six rods is retained for the use of said railway.

SECT. 9. If the line of the European and North American Railway Company is not built to Lincoln within three years from the date of the approval of this act, and completed to the boundary of New Brunswick within the time limited therefor by law, December thirty-one, eighteen hundred and seventy, this act and the charter of said company shall be null and void.

SECT. 10. This act takes effect on its approval by the governor. *Approved February 20, 1864.*

LAWS OF 1864, CHAP. 401.

An act to provide means for the defence of the northeastern frontier.

Be it enacted, &c. SECT. 1. Whereas, the legislature of Maine by resolves unanimously adopted, and approved by the governor on the thirty-first day of January, in the year of our Lord one thousand eight hundred and sixty-three, asked protection of the United States government in the language following: "Maine expects and earnestly demands, that measures be taken at once by the general government for the protection of its northeastern frontier, and that this can be accomplished only by a military railroad from Bangor to the St. John river," it is hereby enacted, that to aid in the construction of such a line of railway, the proceeds of the sale of timber on ten townships of the public lands of this State, which townships shall be designated under the direction of the governor, State treasurer and land agent, who are constituted a board for this purpose, shall be paid into the treasury of the State for the use of the European and North American Railway Company, upon the terms and conditions hereinafter expressed, and the timber on these ten townships shall be advertised in a newspaper hav-

ing the largest circulation in the counties where located, and three months in two newspapers having the largest circulation in the cities of Portland and Bangor. Sealed proposals shall be received by the governor, State treasurer and land agent, and a record of the proposals be made and kept in the land office, which shall be open to any one after the day of sale, and said sale shall be in one-eighth sections of townships; and all moneys, securities or lands received on account of the claims of Maine upon the United States government which accrued prior to eighteen hundred and sixty, viz: The claims for interest on moneys heretofore received from the United States for the value of lands assigned to occupants under the fourth article of the treaty of Washington, and for timber cut on the territory formerly in dispute between the United States and Great Britain, after deducting the expenses of obtaining the same, shall be paid into the treasury of the State for the use of the European and North American Railway Company, on the terms and conditions hereinafter expressed.

—timber, how advertised.

Proposals shall be received by governor, &c.

Certain claims against U. S. appropriated.

SECT. 2. As soon as said railway company shall have constructed and completed its line by the running of cars from Bangor to Lincoln, and have notified the governor of the State of that fact, and that said company has located its line to the boundary of New Brunswick, and is ready to proceed with the further construction of said railway, it shall be lawful for the governor to approve of said location, and to notify said company of the same, and thereupon the said company shall be entitled to the benefit of the provisions of this act; and thereafter as soon as said company shall construct and complete by the running of cars, ten additional miles of railway from Lincoln toward the mouth of the Mattawamkeag, the governor shall pay over to said company such sum as may then be in the hands of the treasurer derived from the proceeds of such sales of timber; and of such claims, at the rate of ten thousand dollars per mile for said ten miles, or *pro rata* for any sum then in hand, less than at the rate of ten thousand dollars per mile, and so on from time to time at the same rate of ten thousand dollars per mile, or *pro rata*, as fast as an additional ten miles is completed, until the line shall be completed from

When entitled to receive benefit of act, &c.

Bangor to the boundary line of New Brunswick; and as soon as said railway company shall locate a line from some point in embranchment thereof in a northerly direction toward the Aroostook river, and complete ten miles from said main line by the running of cars thereon, the governor shall pay to said company at the rate of ten thousand dollars per mile, or *pro rata*, for each mile of railway so built and completed from their main line in a northerly direction, from the proceeds of the lands and claims hereinbefore set forth, and so on from time to time as an additional ten miles shall be completed by the running of cars, until the entire line of said railway shall be completed to the northern boundary of the State, with a branch line to the St. John river at Woodstock.

If Massachusetts shall assign, &c., to E. and N. A. Railway Co. certain claims, &c.

Governor, &c., may transfer certain lands.

Proviso.
60 Me., 461.

Further proviso.

SECT. 3. In case the commonwealth of Massachusetts shall assign and transfer to the European and North American Railway Company, or to the State of Maine in trust for said company, the claims jointly held by her with Maine against the general government, to aid the construction of said railroad, and also release and discharge or assign and transfer the balance due from the State of Maine for the purchase of her interests in the public lands lying in Maine, under date October fifth, eighteen hundred and fifty-three, it shall be lawful for the governor, State treasurer and land agent, to transfer to said company all the public lands lying on waters of the Penobscot and St. John River, for the uses and purposes set forth in this act. *Provided, however,* that there shall be excepted from said conveyance and from the operations of this act, all timber and lumber and lands granted or voted by the present or any preceding legislature, reserving to the State the right to locate such grants within the present year of our Lord eighteen hundred and sixty-four, or within the time or times limited therefor in the several acts or resolves granting the same, all lands heretofore reserved or set apart for public schools, and all lands set apart and designated for settlement under existing laws; and all the lands set apart for the purposes of settlement, shall be sold to settlers, upon the same terms and conditions by the land agent as is now authorized by law. And it is further provided, that all lands conveyed

to said company under this act, which are in the opinion of the governor, State treasurer and land agent, suitable for settlement, shall be surveyed into lots by said company, of suitable sizes for the purposes of settlement, not exceeding one hundred and sixty acres to any one lot, which lands shall be open to settlers at a price not exceeding one dollar per acre, on condition of a continued residence thereon for five years, and performance of such settling duties as are now required by the State. And said company is charged with the duty of encouraging immigration into the State, and shall be required to appoint a suitable emigrant agent, and annually publish such plans, statements and other information, as shall give to the public a better knowledge of the extent, value and situation of the public lands of Maine, now open for settlement, and cause this information to be printed in our own and other languages, and distributed into other States of this Union, and into foreign lands. And the legislature of this State shall have the right at all times to inquire into the manner in which these trusts are executed, and to pass any laws that may be necessary, and to impose fines and penalties to secure a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined. *Providing and excepting*, that no lands belonging to the State of Maine, lying within the county of Piscataquis, shall be taken by virtue of this act for the purpose of aiding in the construction of the trunk line of the European and North American Railway; but that all of said lands lying in said county of Piscataquis, shall be and are hereby appropriated under the limitations and restrictions relating to other lands herein granted, and shall be applied in aid of the construction of a branch of said railway extending to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works, from any point on the line of said railway between Oldtown and Lincoln, as provided in section two of "an act authorizing the further extension of the European and North American Railway," passed at the present session of the legislature.

Company,
duties of, in en-
couraging im-
migration into
this State, &c.

Legislature,
rights of.

Proviso.

SECT. 4. All benefits of this act shall be forfeited by said European and North American Railway Company, upon the

Benefits of ac-
when forfeited

appropriation and use of the proceeds of timber or lands hereby granted to any other purpose than the construction of the main line of said railway or branches into Aroostook and Piscataquis counties.

SECT. 5. This act shall take effect on its approval by the governor. *Approved March 24, 1864.*

LAWS OF 1864, CHAP. 406.

An act to authorize the city of Bangor to aid the construction of the European and North American Railway.

City of Bangor
authorized to
loan its credit
in aid of the E.
and N. A.
Railway Co.

Terms and
conditions.

Scrip, issuing
of.

—how payable.

Bond for, and
payment of,
&c.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to loan its credit to the European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, five hundred thousand dollars, upon their compliance with the following terms and conditions:

SECT. 2. If this act shall be accepted as is hereinafter provided, and said company shall within three years from its approval, finish and complete their line of railway from Bangor to Lincoln by the running of cars thereon, then such fact shall be certified by the mayor and aldermen of the city to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of building, furnishing and completing said road, the scrip of said city payable to the holder thereof, in sums of one thousand dollars each, with coupons for interest attached payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, the same to be signed by the city treasurer and countersigned by the mayor of said city.

SECT. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond respectively, and also the prin-

cipal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bond.

—of company,
and delivery o

—Shall be held
by city as
collateral.

—In default,
may sell, &c.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer, a mortgage, without prior incumbrance, of their railroad from Bangor to Lincoln, and all of the property real and personal of said company, including the franchise thereof; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said city the fulfilment of the conditions in said bond contained.

Mortgage of
road, &c., to
secure
fulfilment of
conditions of
bond.

—how
executed, &c.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the

Mortgage,
foreclosure of.

—notice of,
how given.

After three years if condition is not fulfilled, foreclosure shall be complete.

In case of neglect of company to pay principal or interest on scrip, city of Bangor may take possession of road.

Possession, notice of, &c. how given.

Receipts of road, how appropriated.

registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Bangor may take actual possession in the manner hereinafter provided of the whole of said railroad, and of all the property real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so receiv-

ed to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

Payments of,
when made.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court, in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Injunction, &c.

—writ, issuing
of.

SECT. 9. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under

Directors, &c.,
how chosen in
case of neglect
of company.

the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

City shall appoint one director from among the stockholders.

—right to choose, when to cease.

Lien created as additional protection.

—how enforced.

—not deemed waived, &c., by acceptance of other securities.

Act, acceptance of, &c.

SECT. 10. The city shall appoint one of the directors of the said railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

SECT. 11. As an additional or culmative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Bangor to Lincoln, and all the other property of said railroad corporation, and said lien shall be enforced and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act or otherwise.

SECT. 12. This act shall not take effect until it shall have been duly accepted by the said city of Bangor by a vote of the legal voters thereof voting in ward meetings duly and legally called, within eleven months from and after its approval, and by a majority at least of three-fourths of the legal voters of said city present and voting at said meetings as aforesaid.

nor shall said act take effect until the same shall be duly accepted by the city council of said city by concurrent vote of the two boards of said council and by a majority of five-sevenths of the aldermen present and voting and a majority of three-fourths of the common council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city as hereinbefore provided. The return of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and said city clerk shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

Vote, return of.

—if accepted,
&c.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor. *Approved March 25, 1864.*

LAWS OF 1866, CHAP. 92.

An act to extend the act entitled "an act to authorize the city of Bangor to aid the construction of the European and North American Railway."

Be it enacted, &c. SECT. 1. The act entitled "an act to authorize the city of Bangor to aid the construction of the European and North American Railway," approved March twenty-fifth, eighteen hundred and sixty-four, is hereby extended for the further term of two years, so that the provisions of said act shall continue in full force and apply to the grant of aid from said city, in case the line of said railway is extended to Lincoln within three years from the time of the approval hereof by the governor.

Ch. 406, special
laws 1864,
extended.

SECT. 2. This act shall not take effect until it shall have been duly accepted by the said city of Bangor, by a vote of the legal voters thereof voting in ward meetings, duly and legally called, within eleven months from and after its approval, and by a majority of at least three-fourths of the legal voters of said city, present and voting at said meetings as aforesaid. The returns of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and the

To be accepted
by city of
Bangor.Returns and
record.

clerk of said city shall make record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter. *Approved February 16, 1866.*

LAWS OF 1866, CHAP. 119.

An act to authorize the city of Bangor to further aid the construction of the European and North American Railway.

Credit of city
may be further
loaned to
amount of
\$500,000.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to further loan its credit to the European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, the additional sum of five hundred thousand dollars, upon their compliance with the following terms and conditions.

Conditions.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within two years from its approval, finish and complete their line of railway from the depot of the Maine Central Railroad in the city of Bangor to a point ten miles above a point opposite the Bangor, Oldtown and Milford depot in Milford village, to the approval of the mayor and aldermen, for the time being, of the said city, as a first class railroad, and shall have acquired the right of way according to law by payment of awards and other land damages, or by a deposit of the amount thereof, with the clerk of the courts as by law required, then such fact shall be certified by said mayor and aldermen to the treasurer of said city, and he shall forthwith issue to the directors of said company, for the purpose of building and completing said road to Winn, the scrip of said city to the amount of two hundred thousand dollars, and on the completion of ten additional miles of said road in the direction of Winn, and payment of damages, or deposit thereof by said company, as aforesaid, and approval by the mayor and aldermen of said city, for the time being, they shall certify that fact to the city treasurer, who shall forthwith issue to the directors of said company an additional sum of one hundred thousand dollars of the scrip of said city, for the purposes aforesaid; and on the completion of said railway

City scrip,
when and to
what amounts
to be issued.

to the tannery village in the town of Winn, opposite to the Five Islands in Penobscot river, and payment of land damages, or deposit thereof as aforesaid, by said company within three years from the approval of this act, to the approval of the mayor and aldermen of said city, for the time being, they shall certify that fact to the city treasurer, who shall forthwith issue to the directors of said company an additional sum of two hundred thousand dollars of the scrip of said city. All of said scrip shall be signed by the city treasurer and countersigned by the mayor, for the time being; be issued in sums not less than one hundred dollars or more than one thousand dollars each, with coupons for interest attached, payable semi-annually, payable to the holder thereof, in Boston or New York, the principal payable in thirty-five years from the date of the first issue of scrip under this act; *provided* the whole amount of scrip issued under this act shall not exceed the sum of five hundred thousand dollars; and each issue of said scrip shall bear date of the certificate of the mayor and aldermen to the city treasurer, on the receipt of which he is authorized to issue the same, and all shall be secured by the bond and mortgage hereinafter mentioned, which shall be executed and delivered to the city treasurer on the first issue of said scrip.

Scrip, how
signed, issued,
when and
where payable.

Proviso.

SECT. 3. Concurrent with the first issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company; the penal sum in said bond to be double the amount of scrip authorized to be issued by this act; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued under and by virtue of this act, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and

Bond and
conditions of
same.

Scrip of co. to
be delivered
city treasurer
and held as
collateral
security.

for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached, which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on one of said bonds.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of the first issue of said city scrip and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to the city treasurer a mortgage of their railroad from Bangor to Winn, and all the property real and personal of said company and the franchise thereof, without prior incumbrance except the mortgage to the city of Bangor on said line from Bangor to Lincoln, as provided in the act entitled "an act to authorize the city of Bangor to aid the construction of the European and North American Railway," approved March twenty-fifth, eighteen hundred and sixty-four; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form and contain apt and sufficient terms to secure the said city the fulfilment of all the conditions in said bond contained. Said bond and mortgage shall be recorded in the registry of deeds of the county of Penobscot, which shall be sufficient to protect the rights of said city, and no other recording shall be required.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made

In default of conditions, scrip may be sold at auction after due notice to company.

Mortgage and purchase of railroad secured to city.

Bond and mortgage to be recorded.

Foreclosure.

within thirty days after the date of the last publication, in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bond, the city of Bangor may take actual possession in the manner hereinafter provided, of the whole of said railroad, and of all the property, real and personal, of the company, and of the franchise thereof, and may hold the same and apply the income thereof, to make up and supply such deficiency and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and a majority of the aldermen of said city, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the whole property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

In default by company of conditions herein imposed, city may take possession of road, &c.

Possession, how effected.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any grant of congress, or of the States of Maine and Massachusetts, or any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided; and shall, after notice given to persons receiving the same respectively, be by

Moneys received by grants, &c., to company to be paid to and held by city.

them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice shall make payment of moneys so received, to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer, shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

Payments to be made monthly.

Liability of individuals for violation of provisions herein made.

Suits in equity.

Injunction.

Powers of court.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

SECT. 9. If the said railroad company shall after notice of possession as aforesaid, neglect to choose directors thereof,

or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance, such officers shall be subject to all the duties and liabilities thereof.

In case of neglect of co. to choose directors mayor and aldermen may appoint same.

SECT. 10. Three-fourths of the directors of said company shall be resident citizens of said city, and two of this number shall be appointed by the city council, and shall be chosen annually, by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other directors. But the right to choose such directors shall cease when the loan contemplated is extinguished.

City directors, when and how chosen and authority of same.

SECT. 11. As an additional or culmative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city, a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation wherever situated, which lien shall have preference and be prior to all other liens and incumbrances whatever, except as aforesaid, on the said road and on all the other property of said railroad corporation, and said lien shall be enforced and all the rights and interests of said city shall be protected when necessary, by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

Lien.

Conditions of same and how enforced.

Acceptance of
act, when and
how made.

SECT. 12. This act shall not take effect until it shall have been duly accepted by said city of Bangor, by a vote of the legal voters thereof, voting in ward meetings duly and legally called, within eleven months from and after its approval, and by a majority of, at least, three-fourths of the legal voters of said city present and voting at said meetings as aforesaid; nor shall said act take effect until the same shall be duly accepted by the city council of said city, by concurrent vote of the two boards of said council, and by a majority of five-sevenths of the aldermen present and voting, and a majority of three-fourths of the common council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city as hereinbefore provided. The returns of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and the clerk of said city shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

Proceedings at
meeting,
returns and
record.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor. *Approved February 20, 1866.*

LAWS OF 1866, CHAP. 146.

An act to extend the time for the completion of the European and North American Railway and to enlarge the powers of said company.

Extension of
time for
construction
to Lincoln.

Be it enacted, &c. SECT. 1. A further time of one year in addition to the time specified in the act approved February twentieth, in the year of our Lord one thousand eight hundred and sixty-four, entitled "an act authorizing the further extension of the European and North American Railway," is hereby allowed to the European and North American Railway Company for the construction of its line of railway to the town of Lincoln.

Alteration, &c.,
of location.

SECT. 2. During the period aforesaid, the said company may alter or amend any part of its location between Bangor and Lincoln, subject to the provisions and regulations of the stat-

utes of this State in relation to the location of railways and the damages occasioned thereby.

SECT. 3. A further time of two years in addition to the time now limited by law is hereby allowed for the completion of said line of railway to the boundary of New Brunswick, and all rights, privileges and grants heretofore appertaining to said company, are hereby continued for the extended times aforesaid.

Extension of
time for
construction to
N. Brunswick.

SECT. 4. The said corporation may enter into contracts for the construction and completion of any connecting lines of railway, which have been, or which may hereafter be authorized by law, within the provinces of New Brunswick or Nova Scotia; and may also acquire, by lease, or purchase, any such connecting lines as aforesaid; and for the purposes aforesaid, may issue the bonds or other evidences of debt of the said corporation and secure the same by mortgage of its railway and appurtenances, or by mortgage of the railway and appurtenances of any such connecting line or lines of railway; and for such purposes may increase its capital stock, by vote of its stockholders, to an amount not exceeding five millions of dollars.

Contract for
construction of
connecting
lines.

Lease or pur-
chase of same.

Bonds,
mortgage, &c.

Capital.

SECT. 5. The said corporation may hold timber and lands, by grant from the State of Maine, in accordance with the provisions of the act approved March twenty-four, eighteen hundred sixty-four, entitled "an act to provide means for the defence of the northeastern frontier," and may sell and convey the same for the purpose of raising money for the construction of its main line of railway in this State or the branches thereof mentioned in the said act, and may convey the same in mortgage to trustees, as security for bonds or certificates of indebtedness issued for the purpose aforesaid, and may create by deed, such trusts as may be deemed necessary to secure the accomplishment of the object contemplated by the said act; and all lands so held, shall be subject to disposal by trustees or by said corporation, as may be provided in such deed of trust; and the said lands may be disposed of by sale under any such mortgage as aforesaid, separated from the road-bed, track and franchise of the corporation, without in any way affecting the title to said railroad. And in case of any failure

Timber and
lands.

Sale and
conveyance of
same.

Deeds.

Foreclosure,
sale, &c.

Proceeds.

to fulfil the conditions of any such mortgage of said lands on the part of the said corporation, it shall be lawful for the holders of one-fifth of the mortgage construction land bonds of said corporation to call upon the trustees to foreclose the said mortgage; and it shall be the duty of the said trustees, or a majority of them, to make sale of all such lands to the highest bidder, after six months notice, and apply the proceeds to the payment of the bonds so secured on said lands; and any balance, after paying said bonds and interest in full, and all expenses of such proceedings, shall be paid into the treasury of the said corporation; and in case the proceeds of such sale shall be insufficient for the payment of the said bonds in full, the said sale and transfer of said lands shall in no wise vitiate or impair the security of said bonds and mortgage on the railroad of the said corporation.

SECT. 6. This act shall take effect when approved by the governor. *Approved February 21, 1866.*

LAWS OF 1867, CHAP. 256.

P. S. & P.
railroad au-
thorized to take
\$500,000 of stock
of E. & N. A.
railroad.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to subscribe to the capital stock of the European and North American Railway Company, or to the construction land bonds of said company, or in such other form as the two companies may agree, a sum not exceeding five hundred thousand dollars. And said Portland, Saco and Portsmouth Railroad Company may increase its capital stock to such an amount as they may pay over to the European and North American Railway Company to aid the construction of its line, but not to exceed in all five thousand shares of capital stock in addition to that now authorized by law. And said Portland, Saco and Portsmouth Railroad Company may loan its bonds to the amount of five hundred thousand dollars to said European and North American Railway Company in lieu of a subscription to the stock or bonds of said last named company, on such terms as the two corporations may agree upon by vote of the stock holders thereof respectively.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 12, 1867.*

LAWS OF 1868, CHAP. 502.

An act to authorize the European and North American Railway Company and the city of Bangor to construct sidewalks over tide waters.

Be it enacted, &c. SECT. 1. The European and North American Railway Company, its successors and assigns, and the city of Bangor, are hereby authorized to construct and maintain within the limits of the land taken by said company for its railway, a sidewalk on each side of the railway bridge erected by said company across the Kenduskeag stream in Bangor, and across the dock or slip next easterly from said stream.

Sidewalks
across bridge
and docks on
line of E. & N.
A. R. author-
ized.

SECT. 2. Said company and said city are authorized to make any contract with each other for the construction and repairs of said sidewalks, which sidewalks, when accepted by the mayor and aldermen of said city, shall be free from toll, and shall be kept in a safe condition and convenient for foot passengers.

Construction,
&c.

Exemption
from toll.

SECT. 3. This act shall take effect when approved. *Approved February 14, 1868.*

LAWS OF 1868, CHAP. 543.

An act to extend the time for the completion of the European and North American Railway to Lincoln, and to amend its location.

Be it enacted, &c. SECT. 1. A further time of two years from the twenty-first day of February, eighteen hundred and sixty-eight, is hereby allowed to the European and North American Railway Company within which to complete its line of railway to the town of Lincoln.

Time for com-
pletion to Lin-
coln, extended
two years.

SECT. 2. Said railway company may have a further time of one year from and after the approval of this act by the governor to alter and amend any part of its location between the town of Lincoln, through the village of Winn, to the eastern boundary of the State, subject to the provisions and regulations of the statutes of the State relating to the location of railways and the adjustment of damages occasioned thereby. Nothing in this act shall be construed to relieve said company from constructing said railroad to the village of Winn.

Time further
extended one
year for estab-
lishing location
of road to Winn.

Proviso.

SECT. 3. This act shall take effect when approved. *Approved February 20, 1868.*

LAWS OF 1868, CHAP. 572.

An act to authorize the city of Bangor to loan its credit to aid in the construction of the European and North American Railway.

Preamble.

Whereas, Two acts have heretofore been passed and are now in force, each authorizing the city of Bangor to loan its credit to the amount of five hundred thousand dollars to the European and North American Railway Company, in aid of the construction of their railroad; now, for the purpose of consolidating said loans, rendering but one mortgage necessary for the security of said city and for other purposes.

Amount of loan.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to loan its credit to the European and North American Railway Company in aid of the construction of their railroad, not exceeding, however, one million dollars, upon their compliance with the following terms and conditions:

Upon completion of road to Milford, payment of awards, &c., or deposits for same, city treasurer to be notified, who shall issue for completion of road to Winn city scrip to amount of \$150,000.

When completed ten miles above Milford under same conditions, further issue of scrip to amount of \$100,000 to be made.

SECT. 2. If this act shall be accepted, as hereinafter provided, and said company shall, within one year from its approval, finish and complete their line of railway from the depot of the Maine Central Railroad, in the city of Bangor, to Milford village, to the approval of the mayor and aldermen for the time being of the said city, as a first class railroad, and shall have acquired the right of way according to law, by payment of awards and other land damages, or by a deposit of the amount thereof with the clerk of the courts, as by law required, then such fact shall be certified by said mayor and aldermen to the treasurer of said city, and he shall forthwith issue to the directors of said company, for the purpose of building and completing said road to Winn, the scrip of said city to the amount of one hundred and fifty thousand dollars; and on the completion of said road in the direction of Winn to a point ten miles above Milford village, and payment of damages or deposit thereof by said company, as aforesaid, and approval by the mayor and aldermen of said city, for the time being they shall certify that fact to the city treasurer, who shall

forthwith issue to the directors of said company an additional sum of one hundred thousand dollars of the scrip of said city, for the purposes aforesaid; and on the completion of said road to Passadumkeag stream, and payment of damages, or deposit thereof by said company, as aforesaid, and approval by the mayor and aldermen of said city for the time being, they shall certify that fact to the city treasurer, who shall forthwith issue to the directors of said company an additional sum of one hundred thousand dollars of the scrip of said city for the purposes aforesaid; and on the completion of said road to Lincoln village, and payment of damages or deposit thereof by said company, as aforesaid, and approval by the mayor and aldermen of said city for the time being, they shall certify that fact to the city treasurer, who shall forthwith issue to the directors of said company an additional sum of three hundred and fifty thousand dollars of the scrip of said city for the purposes aforesaid; and on the completion of said railway to the Tannery village, or to a point near to the same in the town of Winn, opposite to the Five Islands in Penobscot river, and payment of land damages or deposit thereof, as aforesaid, by said company, within two years from the approval of this act, to the approval of the mayor and aldermen of said city for the time being, they shall certify that fact to the city treasurer, who shall forthwith issue to the directors of said company an additional sum of three hundred thousand dollars of the scrip of said city.

On completion to Passadumkeag stream under like conditions, \$100,000 to be issued.

On completion to Lincoln, further amount of \$350,000 in city scrip to be issued.

Final issue of \$300,000 to be made when completed to Tannery village.

All of said scrip shall be signed by the city treasurer and countersigned by the mayor for the time being; be issued in sums not less than one hundred dollars nor more than five thousand dollars each, with coupons for interest attached, payable semi-annually, payable to the holder thereof in Bangor, Boston or New York, the principal payable in twenty-five years from the date of the first issue of scrip under this act; *provided*, the whole amount of scrip issued under this act shall not exceed the sum of one million dollars; and each issue of said scrip shall bear date of the certificate of the mayor and aldermen to the city treasurer, on the receipt of which he is authorized to issue the same, and all shall be secured by the

Scrip, how signed, issued, and when and where payable.

Limit of scrip, how certified and secured.

bond and mortgage hereinafter mentioned, which shall be executed and delivered to the city treasurer on the first issue of said scrip.

Railroad to issue bond to city in double amount of scrip of city.

Conditions of same.

Company further required to issue its scrip to city in equal amount of city scrip.

Same to be held as collateral security and sold by city in default of conditions.

Company upon receipt of first issue of city scrip to execute and deliver to city treasurer mortgage of road, corporate property and franchise.

SECT. 3. Concurrent with the first issue and delivery of said scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver, or cause to be executed and delivered, to the said treasurer the bond of said company, the penal sum in said bond to be double the amount of scrip authorized to be issued by this act; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued under and by virtue of this act, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver, or cause to be made, executed and delivered to the said city treasurer, the scrip of said company, payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached, which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice, in writing, to the president or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bond.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of the first issue of said city scrip, and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver, or cause to be executed and delivered, to the city treasurer, a mortgage of

r railroad, from its terminus in Bangor to said Tannery
age, or near thereto in the town of Winn, to and including
epot and turn-table there, and all the land and personal
perty held and used by said company for the construction
working of said road between said two points, with all the
ures, appendages and appurtenances thereof, and the whole
chise of said company to the line of the State, without
or incumbrance, also all the rolling stock which shall be
ed by said company on said road through its entire extent
n Bangor to the east line of the State, *provided however*,
aid road shall be built by said company from said town of
nn to the east line of the State, and furnished and equipped
h sufficient rolling stock for operating the same, and the
of Bangor shall take possession of the mortgaged portion
said road under any provisions of this act. Then one-third
all the rolling stock of said company shall be released by
l mortgagees and set out on demand of said company by
railroad commissioners for time being, who shall also de-
nine upon the sufficiency of said stock as aforesaid. Said
rtgage shall be executed according to the laws of this State,
l shall be in due and legal form, and contain apt and suffi-
it terms to secure the said city the fulfilment of all the
ditions in said bond contained. Said bond and mortgage
ll be recorded in the registry of deeds of the county of
obscot, which shall be sufficient to protect the rights of
l city, and no other recording shall be required.

Proviso as to
release in case
of foreclosure
of portion of
rolling stock if
said road is
completed to
Winn.

Form of mort-
gage and record
of same.

SECT. 5. For the purpose of foreclosing said mortgage for
ditions broken, it shall be sufficient for the said mayor and
ermen to give notice according to the mode prescribed in
revised statutes for the foreclosure of mortgages, by publi-
ion of notice thereof, which may be published in a newspa-
printed in Bangor, and a record thereof may be made
hin thirty days after the date of the last publication in the
istry of deeds for the county of Penobscot, which publica-
and record shall be sufficient for the purpose of such fore-
sure. Upon the expiration of three years from and after
h publication, if the condition of said mortgage shall not
hin that time have been fulfilled, the foreclosure shall be

Proceedings in
effecting fore-
closure.

Rights of company under charter there-after vested in city as a corporation.

complete, and shall make the title to said franchise, and to all the property covered by said mortgage, absolute in said city. And said city, its successors and assigns, shall thereupon be constituted a company incorporated and chartered as of the day of the completion of the foreclosure, and shall have and possess all legal rights, powers and immunities which pertained to said original company at the time of said foreclosure, except so far as the exercise and enjoyment of the same may be necessary to the corporation for the convenient and profitable management and control of that part of said road not included in the mortgage to the city, which excepted rights, powers and immunities shall be retained by the said company or its assigns.

Non-payment of interest or principal, or non-fulfilment of bond by directors, city authorized to take possession of road, &c.

SECT. 6. If the directors of said company shall at any time neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bond, the city of Bangor may take actual possession in the manner hereinafter provided of said franchise and of that part of said railroad, and of all the property real and personal of the company which is covered by said mortgage, and may exercise all the rights, privileges and powers conferred on said company by its franchise, so far as the exercise and enjoyment of the same may be necessary to the convenient and profitable management and control of that part of said road mortgaged to the city, not interfering, however, with the exercise and enjoyment by said company or its assigns of the like rights, privileges and powers under said franchise in the working and management of that part of the road not mortgaged to said city, and may hold the same and apply the income thereof to make up and supply such deficiency and all further deficiencies that may occur while the same are so held, until such deficiencies are fully made up and discharged. A written notice, signed by the mayor and a majority of the aldermen of said city, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession

Reservation as to portions of road not covered by mortgage.

Possession, how taken.

of said franchise and of that part of the line of the railroad, and of all the property of said company, real and personal, which is covered by said mortgage, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid, to the city, and shall enable said city to hold the same, including all the fuel, oil and tools of said company covered by said mortgage, and all of said rolling stock, against any other claims thereon until such purposes have been fully accomplished; *provided however*, if said company shall furnish and equip the whole line of said road, as provided in section four of this act, said city shall, after having taken possession of said rolling stock, set out one-third part of the same to said company on demand, as provided in said section four.

Proviso as to
portion of roll-
ing stock.

SECT. 7. Said city having taken possession of said mortgaged property in the manner and for the purposes provided in section six, shall have authority and power as fully as a board of directors of said company, for the time being, to take charge of and manage said road, to appoint the requisite officers and agents and to discharge the same, to fix the rate of fare and tolls, subject to the restrictions of the charter of said company, and to demand and receive the same, with the right to prosecute and defend suits in the name of said company, and to do all things which said company itself or the directors of said company might or could do; and after paying the running expenses, may apply sufficient of the earnings of said road to keep it, its buildings and equipments, in repair, and to prevent any deterioration thereof, and to provide for such new rolling stock as may be necessary, and then shall apply the residue of said earnings to the payment of the interest coupons and scrip aforesaid; and whenever said interest and all dishonored coupons, script or bonds secured by said mortgage shall have been paid, said city shall relinquish the control of said road and deliver any property of said company in its possession to said company or its assigns; *provided however*, said city, or its officers or agents, while operating said road, under the provisions of this section, shall not be liable except for malfeasance or fraud, and shall have the right to apply any

Powers of city
in management
of road and
disposition of
earnings. .

When obliga-
tions of com-
pany to city are
discharged
possession of
road shall be re-
linquished.

Proviso as to
liability of city,
&c., and right
to apply earn-
ings in payment
of damages.

Difficulties arising between city and company affecting portion of road not mortgaged, to be referred to railroad commissioners.

proceeds received from the earnings of said road, to pay any damages that may or shall arise in the operating and managing of said road, for which said city shall be liable in law to third parties; *and provided further*, in case any difficulty shall arise while said city is in possession of the mortgaged part of said road, with the company or its assigns who may be operating that part of the road not included in said mortgage to said city, as to times of running trains, as to making connections, or the proper rate of dividing the through fare, or of running cars of one party over that section of the road operated by the other, then such difficulty shall be referred to and settled by the railroad commissioners for the time being, upon whom is hereby conferred the same powers in relation to the said two sections of this road, which they would have, by law, if each of these two sections belonged to independent corporations.

Suits.

SECT. 8. For the purposes of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted, in the name of the city of Bangor, in the supreme judicial court in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account or other relief under the provisions of this act, and any judge of the court may issue a writ of injunction, or any other suitable process, on any such bill, in vacation or in term time, or with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings and make such orders and decrees as may be within the power and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Injunctions.

Powers of S. J. court in relation to same.

Powers of directors of company suspended in certain matters during possession by city.

SECT. 9. After said city shall have taken possession of the mortgaged property and said franchise under and in accordance with the provisions of section six, and while it shall be in the exercise of the power conferred upon it by the provisions of section seven, the exercise by the directors of the powers conferred upon them by the charter or by-laws, shall be suspended so far as this, that any act of theirs that shall hinder, obstruct

impede said city in the exercise of any of the powers conferred upon it by the provisions of sections six and seven, shall, so far as said acts may hinder, obstruct or impede, be void and of no effect, and the said city shall have the same right to exercise such powers as if no board of directors existed.

SECT. 10. Three-fourths of the directors of said company shall be resident citizens of said city, and three of this number shall be appointed by the city council, and shall be chosen annually by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company as any other directors, but the right to choose such directors shall cease when the loan contemplated is extinguished.

Directors, how appointed, &c.

Authority and compensation of same.

SECT. 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the entire franchise of said company, and on all their railroad from its terminus in Bangor to and including their said depot and turn-table in the town of Winn, and all the land held and used by said company for the construction and working of said road between said two points, with all its appendages and appurtenances thereof and all the personal property of said company, including all the fuel, oil, tools, and rolling stock of said company, between said two points, which lien shall have preference and be prior to all other liens and incumbrances on all of said road between said two points, and said franchise, and all the aforesaid personal property of said company; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunctions or decrees of the supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court; and it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance of said

Liabilities incurred or assumed by city to create a lien on road, &c.

Priority of lien.

How enforced.

Lien not waived
or ineffectual
by acceptance of
city of mort-
gage, &c.

Meetings for
acceptance of
charter and
proceedings
therein.

city of any mortgage or other security contemplated by the provisions of this act or otherwise, and taking possession of said mortgaged property under any of the provisions of this act, shall not be a waiver of the foreclosure of said mortgage.

SECT. 12. This act shall not take effect until it shall have been duly accepted by said city of Bangor by a vote of the legal voters thereof voting in ward meetings duly and legally called within eleven months from and after its approval, and by a majority of at least three-fourths of the legal voters of said city present and voting at said meetings as aforesaid, nor shall said act take effect until the same shall be duly accepted by the city council of said city by concurrent vote of the two boards of said council, and by a majority of two-thirds of the aldermen present and voting, and a majority of two-thirds of the common council at a meeting duly called for the purpose, at least thirty days subsequent to its acceptance by vote of the city, as hereinbefore provided. The returns of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and the clerk of said city shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof all the parts of this act shall take effect and be in full force thereafter; and an act entitled "an act to authorize the city of Bangor to aid the construction of the European and North American Railway," approved March twenty-five, eighteen hundred and sixty-four, and an act entitled "an act to authorize the city of Bangor to further aid the construction of the European and North American Railway," approved February twenty, eighteen hundred and sixty-six, shall be void and of no further effect.

SECT. 13. This act shall take effect when approved. *Approved February 24, 1868.*

LAWS OF 1868, CHAP. 604.

An act to aid in the construction of the European and North American Railway.

Be it enacted, &c. SECT. 1. The governor of the State is hereby authorized and empowered to transfer and convey by deed to the European and North American Railway Company, all the timber and lands belonging to the State situated upon the waters of the Penobscot and of the St. John rivers, to be used by said company to aid in the construction of its line of railway as contemplated and provided for in an act entitled "an act to provide means for the defence of the northeastern frontier," approved March fourth, in the year of our Lord one thousand eight hundred sixty-four, and an act approved February twenty-first, eighteen hundred sixty-six, and subject to all reservations contained in and the obligations imposed by said acts, except that said company is hereby relieved from the obligation to pay the balance due from this State to Massachusetts, as required by said act of eighteen hundred sixty-four; *provided however*, that the State or purchaser shall have until the year eighteen hundred eighty-four, instead of eighteen hundred seventy-four, to remove or cause to be removed the timber and lumber on the ten townships of land reserved for the common school fund by a resolve approved March twenty-one, eighteen hundred sixty-four, entitled "A resolve relating to an appropriation for common schools," such townships to be selected within six months from the passage of this act, and record of the same made in the land office; *and provided further*, that the proceeds of timber and lands hereby granted, or any money which may be raised on a mortgage or sale thereof, as provided by said act of eighteen hundred sixty-six, or by the conveyance under this act, shall be applied solely to the construction of a railroad from the town of Lincoln through the town of Winn to the easterly boundary of the State.

Governor authorized to convey by deed to E. & N. A. R. all State lands and timber on waters of Penobscot and St. John rivers.

Corporation relieved of obligation to pay debt of Maine to Massachusetts for lands purchased.

Proviso as to timber on townships reserved for school fund.

Proceeds of timber and lands to be applied solely to construction of road.

SECT. 2. Other railroad companies now incorporated or hereafter to be incorporated in this State shall have the right to connect their railroads with the railroad of the European and North American Railway Company in the city of Ban-

Connections with other roads.

Conditions as to transportation for other roads.

gor, or in any other city or town along the line of it and no discrimination in the rates of freight or passage be made by said company, nor by any party who may use its line of railway or any part thereof, between railroads having the right to connect with its railroad as aforesaid; passengers and all freight coming from or going to any road having such right to connect, shall be transported promptly, and on terms alike favorable, by said company on its own road, or by any party operating the same, and on as favorable as the like service is or shall be performing transportation commencing and terminating on the line of way of said company.

Sec. 1, ch. 401, special laws 1864, repealed.

Reservation to the State of proceeds of sales of lands and timber since March 24, 1864.

SECT. 3. Section one of an act entitled "an act explaining and amending an act additional to and amendatory of an act to provide means for the defence of the northeastern tier," approved March twenty-fifth, in the year of our one thousand eight hundred and sixty-four, is hereby repealed but the second section of said act is continued in force; it is hereby provided that this act, and the conveyance of lands authorized by it, shall in no wise affect the doing of business by the land agent, and that all moneys received from the sales of land and timber since the twenty-fourth day of March, one thousand eight hundred and sixty-four, and all notes and other securities in possession of the land agent, as proceeds of sales or proceeds of sales of land and timber as aforesaid, are declared to be and to remain, the property of the State, exempt from any and every claim or equitable claim to the same on the part of said company.

Prior to sales of lands, &c., directors shall appoint, under approval of governor, two trustees, with whom shall be deposited all moneys, &c., derived from such sales.

SECT. 4. Before any sale of lands or timber is made, a mortgage is effected of the lands herein transferred and conveyed to the European and North American Railway Company the directors of said company shall appoint two trustees with the approval of the governor of the State. It shall be the duty of the proper officers of the company to deposit all moneys and securities collected by them, from any sale or mortgage of property herein transferred and conveyed, in the hands of the trustees, who shall hold the same in trust until the said road is finished to the town of Lincoln; and the trustees of said company shall be required to give a sufficient bond to the State.

Trustees to give bond.

the approval of the governor, for the faithful execution of their said trust. The moneys and securities so received shall on the completion of said road to the town of Lincoln be paid to said railroad company; *provided*, that the moneys and securities so received in trust may, sooner than above limited, be used to pay for actual construction of said road between said town of Lincoln and the eastern boundary of the State, when ordered and approved by the governor.

Moneys, &c., so received, to be paid company on completion of road to Lincoln.

Proviso.

SECT. 5. No sale, mortgage, transfer or conveyance of the timber and lands hereby conveyed to the European and North American Railway Company shall be effected unless approved by the governor.

Sales of lands, &c., not valid unless approved by governor.

SECT. 6. That so much of the laws embraced in chapter four hundred and one of the laws of eighteen hundred and sixty-four, as donates or refers to the proceeds of the sale of timber on ten townships of the public lands of this State, be and hereby is repealed.

Provisions of ch. 401, special laws 1864, relating to ten townships land, repealed.

SECT. 7. The legislature may at any time alter, amend or repeal the act incorporating the European and North American Railway Company, approved August twentieth, eighteen hundred and fifty, or any of its provisions, whenever in their opinion the public good may require such alteration, amendment or repeal.

Powers of legislature herein.

SECT. 8. This act shall take effect when approved. *Approved March 3, 1868.*

LAWS OF 1869, CHAP. 106.

An act to extend the time for the completion of the location of the European and North American Railway.

Be it enacted, &c. SECT. 1. The European and North American Railway Company may have a further time of one year, from and after the approval of this act by the governor, to alter and amend any part of its location between the town of Lincoln, through the village of Winn, to the eastern boundary of the State; also to locate its line of railroad and construct the same in accordance with the provisions of its charter and the acts in addition thereto, to the southerly bounds of

Time extended for completion of location.
59 Me. 536.

Subject to the provisions of law in relation to the location of railways.

the city of Bangor, subject to the provisions and regulations of the statutes of the State relating to the location of railways and the adjustment of damages occasioned thereby.

In locating track across Maine Central Railroad, shall conform to contract with said company.

SECT. 2. Said European and North American Railway Company in locating, constructing and using their track across the depot grounds of the Maine Central Railroad Company, in Bangor, shall conform to the contract between said companies in relation thereto, bearing date the ninth day of February, in the year of our Lord one thousand eight hundred sixty-nine.

SECT. 3. This act shall take effect when approved. *Approved January 17, 1869.*

LAWS OF 1869, CHAP. 188.

An act to extend the time for the completion of the location of the branches of the European and North American Railway Company.

Time extended two years.

Be it enacted, &c. SECT. 1. The European and North American Railway Company may have a further time of two years, from and after the approval of this act by the governor, to locate their tracks to the several mills upon the Penobscot river, to which by the laws of the State it is now authorized to construct tracks or branches.

SECT. 2. This act shall take effect when approved. *Approved February 27, 1869.*

PUBLIC LAWS OF 1871, CHAP. 201.

An act to promote immigration into this State.

Be it enacted, &c. SECT. 1. Whereas in section three of an act entitled an "act to provide means for the defence of the northeastern frontier," approved March twenty-four, eighteen hundred and sixty-four, it is provided that the European and North American Railway Company is charged with the duty of encouraging immigration into the State, and shall be required to appoint a suitable emigrant agent and annually publish such plans, statements and other information as shall give to the public a better knowledge of the extent, value and situation of the public lands of Maine now open for settlement and cause

this information to be printed in our own and other languages, and distributed into other States of this union, and into foreign lands; and whereas it is provided in the same section that "the legislature of this State shall have the right at all times to inquire into the manner in which these trusts are executed, and to pass any laws that may be necessary to impose fines and penalties, to secure a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined;" and whereas, said railway company have utterly failed to perform the duties therein enjoined, it is hereby declared and made known, that the time may be extended for the performance of these duties until the first day of July next and no farther.

SECT. 2. It shall be the duty of the attorney general of this State to inquire into and ascertain whether the duties set forth in the said act of eighteen hundred and sixty-four, and in section one of this act, and at the time as extended in said section one of this act, have been performed; and if at that time the said company shall have failed to perform these duties, they shall be fined not less than five thousand dollars, and the same sum yearly thereafter, to be recovered in the same manner as an action for debt against said company, and it shall be the duty of the attorney general to make immediate demand of said company for the fine or fines thus imposed, and in case the said company shall neglect or refuse to pay the fines thus demanded within ten days after such demand, it shall then be the duty of the attorney general to sue said company in the name of the State and collect the fine or fines as soon as due process of law will allow, and all moneys so collected shall be expended under direction of the commissioner of immigration to promote immigration into this State.

SECT. 3. This act shall take effect when approved. *Approved February 24, 1871.*

LAWS OF 1871, CHAP. 533.

An act to make valid the transfer of the Bangor, Oldtown and Milford Railroad, to the European and North American Railway Company.

Be it enacted, &c. SECT. 1. The sale and transfer of the

Sale of B., O.
and M. Rail-
road to E. and
N. A. Railway
Co., authorized,
ratified and
confirmed.

franchise, lands, property and rights of the Bangor, Oldtown and Milford Railroad Company, to the European and North American Railway Company, is hereby authorized, ratified and confirmed, and said last named company is authorized to purchase, hold, and enjoy and possess the same, as fully as said Bangor, Oldtown and Milford Railroad Company could; and is entitled to all the rights and privileges conferred by, and contained in, the charter of said Bangor, Oldtown and Milford Railroad Company, and acts additional thereto, which are continued in force for the benefit of said European and North American Railway Company; and said European and North American Railway Company may sell any of said lands and property, and use the same in the construction of its railroad, and any and all transfer of shares of stock of said Bangor, Oldtown and Milford Company, heretofore made for that purpose, is ratified and confirmed.

SECT. 2. This act shall take effect when approved. *Approved February 1, 1871.*

LAWS OF 1874, CHAP, 609.

An act to confirm the articles of agreement by and between the European and North American Railway Companies.

Be it enacted, &c. SECT. 1. The articles of agreement entered into between the European and North American Railway Company of New Brunswick and the European and North American Railway Company of Maine, are hereby authorized and confirmed; said articles are as follows:

ARTICLES OF AGREEMENT AND CONSOLIDATION for consolidating the stock of the European and North American Railway, for extension from Saint John, westward, (a corporation existing under the laws of the Province of New Brunswick, and hereinafter called the New Brunswick Company,) with the stock of the European and North American Railway Company, a corporation existing under the laws of the State of Maine, (hereinafter called the Maine Company,) made and entered into by the said companies this nineteenth day of October, in the year of our Lord one thousand eight hundred and seventy-two:

Whereas the railways respectively owned by said companies above named, constitute a continuous line of railway for the passage between the city of Saint John, in said Province of New Brunswick, and the city of Bangor, in the said State of Maine, and constitute a part of a continuous line of railroad between Bangor and Halifax, and the directors of said companies, upon mature consideration, have determined that the interests of the respective stockholders of said companies and the public interest and convenience will be greater promoted by the union of their several roads into one road, and by the consolidation of the respective stocks of said companies into one common consolidated stock:

And whereas the said companies are authorized by the act of incorporation of the said New Brunswick Company by the legislature of said Province of New Brunswick, and by the act of incorporation of the said Maine Company, and acts in addition thereto, passed at various times by the legislature of the said State of Maine, to effect such union of their respective roads and to form by purchase and consolidation of their respective rights and franchises, one company, and have agreed so to do upon the terms and conditions hereinafter mentioned and contained.

Now therefore, this agreement made by and between the corporations above named, parties hereto, under and by virtue of authority conferred upon them by the laws of said province and the laws of said State.

Witnesseth, that the said New Brunswick Company and the said Maine Company do agree, and each for itself doth severally agree, that the said companies shall be consolidated and form one corporation under the name and style of the Consolidated European and North American Railway Company, and under the authority of said legislative acts the said parties hereto do hereby prescribe the following terms and conditions of the said purchase and consolidation, and do respectively agree thereto, and to the mode of carrying the same into effect as herein provided for.

ART. 1. It is understood and agreed that the capital stock of the New Brunswick Company which has been taken and

certificates issued therefor, and which has been subscribed for and agreed to be taken, amounts to about five hundred and fifty thousand dollars, and that the capital stock of the said Maine Company which has been taken and certificates therefor issued, amounts to the sum of five hundred and twenty-two thousand three hundred dollars.

ART. 2. The stockholders of the said respective companies who hold or are entitled to certificates of shares in the capital stock in either of the said companies, shall, upon the surrender of such certificates or rights to such certificates to the said consolidated company to be cancelled or discharged, be entitled to one hundred dollars of stock in said consolidated company for each one hundred dollars of stock held by them in either of said companies. In all cases in which subscriptions or agreements for stock in either of said companies have been made by any person or persons, bodies politic or corporate, and said subscriptions or agreements yet remain unpaid or unfulfilled, either in whole or in part, the stock of said consolidated company shall, upon payment of said subscriptions or performance of said agreements, be issued to the subscribers or parties entitled to the said stock in the same manner as the said companies or either of them would have been bound to issue their stock, respectively had not this consolidation been made.

ART. 3. The capital stock of the Consolidated European and North American Railway Company shall not exceed ten million gold dollars, to be divided into one hundred thousand shares of one hundred dollars each, and after the payment of the existing debts of the said New Brunswick Company and said Maine Company, no further portion of said stock shall be issued until after a vote of the stockholders of the said consolidated company, at a meeting duly called for that purpose and passed by a vote of two thirds of the stockholders present and represented at said meeting. Being also two thirds in value of the stock voted at such meeting, and provided that no portion of such consolidated stock shall be sold or used in payment of the existing debts of said companies at less than its par value.

ART. 4. The said new corporation or consolidated company

shall, without delay, after this agreement of purchase and consolidation takes effect, issue to the stockholders of the respective companies, parties hereto, and entitled thereto as aforesaid, and in proportion to their respective interests in the stock of the consolidated company, certificates of stock in said Consolidated European and North American Railway Company, to be denominated Consolidated European and North American Railway Company consolidated stock, and otherwise of such form as may be deemed advisable and prescribed by the directions of the said consolidated company.

ART. 5. If fractional shares shall be found due to stockholders when converting their present stock into the stock of the consolidated company, scrip stock shall be issued for such fractions entitling the holder to a full share of stock on payment of the difference in money, or on presentation of one hundred dollars of such scrip stock.

ART. 6. All and singular the rights, franchises, privileges, depot grounds, rights of way, road bed, railway iron, rails, engines, cars, machinery, rolling stock, debts, dues and demands, causes in action and property of every description, name and nature, whether real, personal or mixed, or wheresoever situated in which the said New Brunswick Company and the said Maine Company have respectively any right, title or interest, whether in possession, reversion or remainder with the appurtenances, upon the ratification of these articles of agreement by the stockholders of said companies respectively, as hereinafter provided, and from thenceforth shall be held, owned, controlled, possessed and enjoyed by the said Consolidated European and North American Railway Company, its successors and assigns as fully and completely, to all intents and purposes, as the said several companies, parties hereto, do or can now hold, own, enjoy, use or control the same, and no further conveyance or assurance shall be required for the full and complete vesting thereof in the said Consolidated European and North American Railway Company, its successors and assigns.

ART. 7. The said Consolidated European and North American Railway Company shall assume, liquidate and pay or other-

wise discharge all debts, liabilities, contracts, leases, agreements, engagements of every kind and description of and claims upon each of the said respective companies, parties hereto, and said consolidated company by taking possession of the rights, franchises and property named in article six of this agreement shall be considered as having agreed to assume, liquidate, pay or otherwise discharge all the liabilities herein above enumerated.

ART. 8. All the books, vouchers, records, muniments of title and other documents pertaining to the business or properties of the said several companies, parties hereto, shall be placed in the office of the secretary or clerk of the said consolidated company and the said books, records and papers shall be deemed and taken as the records and books of said consolidated company, and said books, records, vouchers and papers shall be subject to proper examination and inspection of all persons interested therein who shall have the same access thereto as if the same had remained in the offices of the original companies.

ART. 9. Whereas it is deemed advisable by the said companies, parties hereto, to provide in their articles of agreement for purchase and consolidation for the redemption and payment of all the bonds respectively issued by the said companies, parties hereto, which amount in all to the sum of five million dollars; it is agreed by and between the parties hereto that the Consolidated European and North American Railway Company shall issue its consolidated bonds in the sum of six million dollars, to be secured by a mortgage of the franchise, rights, railroad equipment and property of said consolidated company, five million dollars of which shall be set apart and used for the redemption and payment of the said bonds of said companies, parties hereto, on such terms and at such times as may be ordered by the directors, provided that none of said consolidated bonds shall be exchanged for any of said bonds of said companies, parties hereto, at less than dollar for dollar, the proceeds of the residue of said consolidated bonds to be used by the directors to provide for further additional way and tracks, rolling stock, equipment and railway improvements, and to provide for the purchase of and consolidation with other

ng railroads and to pay the debts of said New Brunswick Company, and said Maine Company existing at the time the agreement takes effect and for no other purpose whatever.

10. If at any time hereafter it shall be found expedient to increase the said consolidated debt of said consolidated company over and above said six million dollars, it shall be lawful and competent for said consolidated company to issue its bonds for such an amount and in such manner, and secure the same in such way and manner as the stockholders shall at a duly called for that purpose, by a vote of two-thirds of the stockholders present and represented at said meeting, or two-thirds in value of the stock voted at such meeting, to be expedient, necessary and proper, and the proceeds of the same and all additional bonds so authorized and issued, shall be used and expended for the purposes named and specified in the last article of this agreement, excepting the debts of the New Brunswick Company and Maine Company therein named, for no other purpose whatsoever.

11. Said consolidated company is authorized at any time hereafter to purchase or consolidate with any railway company now existing, or hereafter created, which shall be located or established in any territory lying east, west, north or south of that occupied by said consolidated line of railroad, and in such way and manner, and upon such terms and conditions as the stockholders of said consolidated company, at a meeting duly called for that purpose, shall by vote declare to be expedient and proper. But nothing in such terms and conditions shall, without the approval of the governor in council of the Province of New Brunswick, interfere with the provisions of these articles of consolidation, so far as relates to the number of directors who shall be resident in the Province of New Brunswick, or be natural British born subjects, or in reference to the provisions of article twelve.

12. It is understood and agreed that the tariff rates for the transportation of freight and passengers shall be so made and regulated as not to militate or operate against the interest or interests of either the Province of New Brunswick or the State of Maine. And for the protection of the interests of the peo

ple of the said province and the said State, it is understood that the Crown and the State of Maine respectively, shall have and exercises all the rights and powers necessary for the enforcement of the provisions of this article.

ART. 13. It is further understood and agreed that said Consolidated European and North American Railway Company shall have, possess, enjoy and exercise all the franchises, rights, powers and privileges now held, owned, possessed and enjoyed by said New Brunswick Company, by virtue of its charter or any of the laws of New Brunswick, and subject to all liabilities imposed by the laws of said province, and also all the franchises, rights, powers and privileges now held, owned, possessed and enjoyed by the said Maine Company, by virtue of its charter or any of the laws of the State of Maine, and subject to all the liabilities imposed by the laws of said State.

ART. 14. The management of the business of the said consolidated company shall be vested in the directors of the said company, the number of whom shall be thirteen, five of whom shall be residents of the Province of New Brunswick, and four of the said five shall be natural British born subjects, and five of whom shall be residents of the city of Bangor. The board of directors of said consolidated company may choose one of their number to be president of their board, who shall also be president of said company, and one of their number to be vice president of the said board, who shall also be vice president of said company, and one of said officers shall always be a New Brunswick director; may make all necessary by-laws and regulations not inconsistent with these articles of agreement, may provide for calling the annual and other meetings of the stockholders for the election of directors and other purposes, and the said by-laws and regulations shall be and continue in force until altered by the stockholders at their annual or other meeting called for that purpose. The board of directors shall have authority to choose and appoint all such officers, agents and clerks as are required by the by-laws or otherwise, or which may be found necessary to carry on the business of said consolidated company, may fix and determine the pay or salary of such officers, agents or clerks, and may dismiss them at the

pleasure of the said board of directors, and said board of directors shall have power to fill any vacancies which may occur in their board, and the persons so appointed shall hold office until others are chosen in their places at an annual meeting of the stockholders of said consolidated company.

ART. 15. The following named persons shall constitute the board of directors of said Consolidated European and North American Railway Company until the third Tuesday in August in the year of our Lord one thousand eight hundred and seventy-three, viz: George K. Jewett, Noah Woods, James W. Emery, Arad Thompson, Charles P. Stetson, M. S. Drummond, S. F. Hersey, William Flowers, Alexander Jardin, Thomas R. Jones, James R. Ruel, Robert Robinson and E. R. Burpee, when the first annual meeting of the stockholders of the Consolidated European and North American Railway Company shall be holden for the election of directors and for such other purposes as may properly come before said meeting.

ART. 16. These articles of agreement for purchase and consolidation shall be submitted to the stockholders of each of said companies, parties hereto, at a meeting thereof called separately for the purpose of taking the same into consideration, due notice of the time and place of such meeting and the object thereof shall be given. The said meetings of stockholders shall be holden on some day prior to the first day of December in the year of our Lord eighteen hundred and seventy-two, and in case these articles of agreement for purchase and consolidation of said companies, parties hereto, shall be approved, adopted and ratified by the stockholders of said companies at their several meetings, called as above provided, then these articles of agreement shall take effect on the said first day of December, in the year of our Lord eighteen hundred and seventy-two, and be forever after in force and binding upon said companies, parties hereto, and upon all persons and parties interested therein.

SECT. 2. There shall be an office of said consolidated company at Bangor, in this State.

SECT. 3. Any mortgage by said consolidated company of its franchise and property, for the payment of its bonds, may be

enforced and foreclosed as provided in said mortgage, or as provided in chapter fifty-one of the revised statutes of this State.

SECT. 4. This act shall take effect when approved. *Approved March 3, 1874.*

THE BANGOR AND PISCATAQUIS RAILROAD COMPANY

was leased to the Consolidated European and North American Railway Company, April first, A. D., 1873, for the term of nine hundred and ninety-nine years. [See the lease for its provisions.]

LAWS OF 1861, CHAP. 59.

An act to incorporate the Bangor and Piscataquis Railroad Company.

Corporators.

Be it enacted, &c. SECT. 1. Ira Crocker, James Dunning, Charles B. Abbot, Thomas Nason, John L. Hodsdon, C. H. Crocker, Charles A. Everett, A. M. Robinson, John H. Ramsdell, Phineas Tolman, W. W. Willard, C. L. Dunning, Peter Perham, Joseph Chase, Ephraim Flint, Adams H. Merrill, Henry Hudson, Thomas S. Pullen, A. G. Lebroke, Charles E. Kimball, C. H. B. Woodbury, John H. Rice, J. H. McComber, T. A. Keating, John Hitchborn, James Campbell, E. L. Hammond, John Gilman, Geo. W. Wingate, J. S. Monroe, Chas. McCluer, B. R. Lake, A. J. Chase, Moses Parshley, Atwood Barrows, E. P. Snow, Seth Lee, Simon Lee, John Gilman, W. P. Lamson, C. O. Palmer, J. S. Wiley, their associates, successors and assigns, are hereby made and constituted a body corporate and politic, by the name of the Bangor and Piscataquis Railroad Company, and by this name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and en-

Corporate
name.

Rights, powers,
&c.

joined, and to prevent all invasions thereof, or interruptions in exercising and performing the same; and the said corporation is hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point between the south line of the city of Bangor and the north line of the town of Oldtown; *provided* the same does not infringe or encroach upon the corporate rights or limits of the Penobscot Railroad Company, in the county of Penobscot, on the westerly side of the Penobscot river, with the right to connect with any railroad from Bangor to Oldtown or elsewhere; thence in the most practicable direction to Brownville, in the county of Piscataquis, and the Katahdin Iron Works, so called, in the same county, with a branch from the town of Milo up the valley of the Piscataquis to Moosehead lake, in said county of Piscataquis; and said corporation shall be and hereby is, invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth; and for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and the real estate of private persons and corporations, as may be necessary for the location, construction and convenient operation of said railroad and branch; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances any earth, gravel, stone, timber or other materials on or from the land so taken; *provided however*, this said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; *and provided, also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under

Location and construction of authorized.

Proviso.

Powers, privileges, &c.

Right to take and hold land, &c., of others.

Right to take, remove and use earth, &c.

Proviso.

Further proviso.

Compensation for damages.

Damages, how determined.

Land, how held.

Damages, application for, limited.

Right to fell and remove trees.

Capital stock.

Shares.

Directors, how chosen.

—tenure of office.

President and clerk.

—treasurer.

—bond.

Books of subscription, when and where to be opened, &c.

—notice, how given.

the same conditions and limitations as are by law provided in the case of damages by the laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodland or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of such road which by their liability to be blown down, or from their natural falling might obstruct or impair said railroad by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall consist of not less than five thousand, nor more than twenty thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust; and for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the city of Bangor and in the towns of Dover, Milo and Brownville, and elsewhere, as they shall appoint, to remain open for five successive days at least, of which time and place of subscription public notice shall be given in one newspaper printed in each of the counties of Penobscot and Piscataquis, ten days before the opening of such subscriptions; and any seven of the

persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

First meeting,
how called.

SECT. 3. When said corporation shall take any land or other estate, as aforesaid, of any infant, person non compos mentis, or feme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages, or claims for damages by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

Land taken of
certain persons,
whom to
settle with.

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purposes of locating, constructing and completing said railroad and branch, and for the transportation of persons, goods and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of this corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given or shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed, as aforesaid, to the highest bid-

President and
directors,
powers and
duties of.

Assessments.

—neglect to
pay, proceed-
ings in case of.

Shares of delin-
quent subscrib-
ers, how dis-
posed of.

der, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *provided however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Proviso.

Toll.

Transportation,
construction of
wheels, &c.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the rights of roads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

Connection
with other
roads and regu-
lation of, &c.

SECT. 6. The legislature may authorize any other company or companies, to connect any other railroad or railroads, with the railroad of said corporation, at any point on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight, as may be prescribed by said corporation, so that the rates of freight and toll of such passengers and goods, and other property as may be received from such other railroads so connected with said road as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers, at any of the deposits of said corporation.

Private ways,
&c., crossing
of.

SECT. 7. If said railroad in the course thereof, shall cross any private way, the said corporation shall so construct said railroad, as not to obstruct the safe and convenient use of such

private way; and if said railroad shall in the course thereof, cross any canal, railroad or the highway, the said railroad shall be so constructed, as not to obstruct the safe and convenient uses of such canal or highway, and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

SECT. 8. Said railroad corporation shall erect and maintain, substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved. Fences.

SECT. 9. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a fair and reasonable compensation; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and carry the same, when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls, and said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle, for the transportation of persons or merchandise to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided* Mail, transportation of.
however, that said corporation shall be under obligation to transport over said road the passenger and other cars of any In case of disagreement, how determined.
Obliged to keep in good repair, &c.
Lien for payment of toll.
Cars and engines of other roads.
Proviso.

other incorporated company, that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars enumerated in said sections.

Malicious mis-
chief, trespass,
&c.

Forfeiture, pun-
ishment, &c.

Offenders liable
to indictment,
&c.

Accounts of
corporation,
how kept.

—open to in-
spection of gov-
ernor and coun-
cil.

Annual exhibit.

Taxes on real
estate.

SECT. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of, or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

SECT. 11. Said corporation shall keep, in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the profits derived from the income of said railroad.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several cities, towns and plantations, in which said land lies, in the same manner as

lands owned by private persons, and shall in the valuation list, be estimated the same as other adjacent lands of the same quality in such city, town or plantation, and not otherwise, and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such, to the owners thereof, in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time, one moiety, or such other portion as the legislature may from time to time determine, of the net income of said railroad, accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over to the treasurer of said corporation, as a tax in the treasury of the State, for the use of the State; and the State may have and maintain an action against said corporation therefor, to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Shares, taxed
as real estate.

Net income
over ten per
cent. per
annum, how
disposed of.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual meet-
ing.

Directors to
chosen.

Votes.

Special meet-
ings.

SECT. 14. The legislature shall at all times have the right to inquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by said corporation. And to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectually to compel

Legislature,
right of, to
investigate
doings of the
corporation.

a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

Time for organizing, &c., limited.

SECT. 15. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, or if the said corporation shall fail to complete said railroad to Piscataquis river, on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-six, in either of the above mentioned cases, this act shall be null and void. *Approved March 5, 1861.*

LAWS OF 1866, CHAP. 58.

An act to extend the provisions of an act entitled "an act to incorporate the Bangor and Piscataquis Railroad Company," approved March fifth, eighteen hundred and sixty-one.

Provisions of ch. 59, special laws of 1861, renewed and extended.

Proviso.

Be it enacted, &c. SECT. 1. The provisions of an act of the legislature of this State, approved March fifth, eighteen hundred and sixty-one, entitled "an act to incorporate the Bangor and Piscataquis Railroad Company," are hereby renewed and extended, so that said company may avail themselves of said act of incorporation; *provided* that the location of the route of said road shall be filed as stipulated in said act, on or before the first day of January in the year of our Lord one thousand eight hundred and sixty-seven, and that said road shall be completed to the Piscataquis river on or before the first day of January in the year of our Lord one thousand eight hundred and seventy, *and provided* that the southern terminus of said road shall be at some point between the south line of the city of Bangor and the North line of the town of Milford.

Amendment.

SECT. 2. For the names of Ira Crooker and Thomas S. Pullen, corporators named in said act, both of whom are deceased, are substituted the names of Franklin A. Wilson and Abner Lowell, respectively.

SECT. 3. This act shall take effect on its approval. *Approved February 9, 1866.*

LAWS OF 1867, CHAP. 377.

An act to authorize the city of Bangor to aid the construction of a railroad into Piscataquis county.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to loan its credit to the Bangor and Piscataquis Railroad Company in aid of the construction of their railroad into Piscataquis county, to an amount not exceeding fifteen thousand dollars per mile, nor more than the sum of five hundred thousand dollars in all, upon its compliance with the following terms and conditions:

Loan of credit
and limit of
same.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within two years from its approval locate its line, and shall within four years from its approval complete their railroad to the Piscataquis river, at or near the village of Milo, and thence to the village of Dover or Foxcroft, from some point on the line of the European and North American Railway in the town of Milford, on the east bank of Penobscot river, to the approval of the mayor and aldermen of said city of Bangor, as a first class railroad, so that cars may pass over the same the whole distance, and shall perform the other conditions hereinafter named, then the said company shall be entitled to receive the full amount of fifteen thousand dollars per mile, not exceeding, however, five hundred thousand dollars in all, as herein provided.

Amount and
conditions of
aid.

SECT. 3. When said company shall complete five miles of said railroad from its southern terminus, connecting such other railroad as aforesaid, then they shall be entitled to receive the sum of seventy-five thousand dollars in part of said sum of five hundred thousand dollars, and for every additional five miles so completed, and so on till the whole line is finished by the running of cars thereon, all said payments to be made by the scrip of said city, payable to the holder thereof in such sums as the directors of said road may determine, with coupons for interest attached, payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, and the same to be signed by the city treasurer and countersigned by the mayor of said city.

Aid to be
received by
instalments
and conditions
of same.

City scrip,
when and
where payable

Bond, amount
and conditions
of same.

Equal amount
of scrip of rail-
road co. to be
deposited with
city treasurer.

Forfeiture of
same for nonful-
filment of con-
ditions, how and
when sold, &c.

Mortgage of
road and fran-
chise, by whom
and how made.

SECT. 4. Concurrent with the issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer, the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in case of the issuing of the scrip of said city as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bond.

SECT. 5. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer, a mortgage, without prior incumbrance, of their railroad from Milford northward or westward into Piscataquis county, and all of the property real and personal, including the franchise thereof; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt

and sufficient terms to secure the said city the fulfilment of the conditions in said bond contained.

SECT. 6. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall vest the title to said road, and to all the property and franchise aforesaid, absolute in said city.

Foreclosure of mortgage, when and how made.

SECT. 7. If the directors of said company shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Bangor may take actual possession in the manner hereinafter provided of the whole of said railroad, and of all the property real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all other deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice, signed by the mayor and aldermen, and delivered upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for all purposes aforesaid to the city, and shall enable the city to defend the same against any other claims thereon until such purposes have been fully accomplished.

Interest, &c., and forfeiture for non-payment of same.

Notice of possession by city, how given, and validity of same.

Moneys accruing to corporation after notice of possession to belong to city.

Same to be paid to city treasurer, reserving amounts due for expenses, &c.

When made and how to be applied.

Individual liability for violation of foregoing provisions.

Suits, by whom and when instituted.

Injunction, &c., powers of S. J. C. relating to same.

SECT. 8. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

SECT. 9. For the purpose of affecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court, in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction, or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may

within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

SECT. 10. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

City may appoint directors, &c., powers and duties of same.

SECT. 11. The city shall appoint two of the directors of the said railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

Two directors to be chosen annually by city until extinguishment of loan.

SECT. 12. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Milford northward or westward in Piscataquis county, and all the other property of said railroad corporation, and said lien shall be enforced and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien pro-

Lien, how enforced and conditions of same.

vided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

Acceptance of
act to be by
vote of citizens
in ward meet-
ings.

When to take
effect.

SECT. 13. This act shall not take effect or be of any force until the city council of said city by a concurrent vote of at least two-thirds of the members of each branch present and voting shall submit the same to a vote of the people of the city, and the legal voters of the city in legal ward meetings, shall by a vote of two-thirds of all the votes thrown in the city at such meetings adopt the same.. But if within one year from the approval of this act the city shall accept this act by such concurrent vote of the city council and of the citizens as aforesaid, then the act shall be in force thereafter and be binding upon the city according to its true tenor and effect but not otherwise.

Proceeds of
lands and
claims donated
by State, how
applied.

SECT. 14. And whereas, the State of Maine by an act entitled "an act to provide means for the defence of the north-eastern frontier," approved March twenty-fourth, eighteen hundred and sixty-four, donated all its lands lying in the county of Piscataquis to aid the construction of a branch railway to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works from any point on the line between Oldtown and Lincoln; it is hereby declared that the proceeds of said lands derived from the sale of land and timber, or from the bonds secured by mortgage of said lands shall be applied by said railway company to the building of said branch railway as described in this act; and all moneys, lands, or other securities applicable to the building of said branch railway received from the claims of Maine and Massachusetts upon the United States government shall be applied to the building of said railway as described in this act; but before this section of this act shall become binding upon the European and North American Railway it shall be accepted by said European and North American Railway Company by a majority vote of the stockholders thereof at a legal meeting to be duly called for that purpose.

Provisions of
section not
binding unless
accepted by
vote of stock-
holders of E. &
N. A. R. R. Co.

SECT. 15. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

LAWS OF 1867, CHAP. 378.

An act to revive and extend the charter of the Bangor and Piscataquis Railroad Company.

Be it enacted, &c. SECT. 1. The act entitled "an act to incorporate the Bangor and Piscataquis Railroad Company," approved March fifth, eighteen hundred sixty-one, and the act to extend the provisions of the same, approved February ninth, eighteen hundred sixty-six, are hereby so far revived and renewed, as that said company may avail itself of said act of incorporation, and may locate the line of its road at any time within two years from the passage of this act, from some point on the line of the European and North American Railway, in the town of Milford, and passing above the lower Penobscot boom to the valley of the Piscataquis river, and from such point up the valley of said river to the village of Dover or Foxcroft, and thence to Moosehead Lake, as provided in said original act of incorporation; and a further time of two years thereafter is allowed said company in which to finish and complete its line and branches.

Former acts of incorporation revived.

Location and extension of time for completion. '

SECT. 2. In case the Bangor and Piscataquis Railroad Company shall locate the line of their railway within two years from the passage of this act, into the valley of the Piscataquis river, in the town of Medford or Milo, and complete the same within four years from the date of the approval of this act, and extend its line from a point of connection with the main line of the European and North American Railway in the town of Milford, as aforesaid, and become a branch of said European and North American Railway Company, said Bangor and Piscataquis Railroad Company may, with the consent of the European and North American Railway Company, become entitled to all lands lying in the county of Piscataquis, granted or hereafter to be granted by the State of Maine to aid the construction of a branch line of the European and North American Railway to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works, as provided in chapter four hundred and one of the special laws of eighteen hundred sixty-four, entitled "an act

Lands in Piscataquis co. conveyed to aid in construction and conditions of same.

Further aid by
transfer of
claim against
U. S. govern-
ment.

to provide means for the defence of the northeastern frontier;" and all moneys, lands or other securities, applicable to the building of said branch railway, received from the claims of Maine and Massachusetts upon the United States government, shall be applicable and be applied to the building of said branch railway, as described in the act aforesaid, "to provide means for the defence of the northeastern frontier;" *provided, however,* that the gauge of the Bangor and Piscataquis Railroad shall be uniform with that of the European and North American Railway, and be so located and constructed as to form a connecting road therewith.

SECT. 3. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

LAWS OF 1867, CHAP. 395.

Exempt from
taxation.

Proviso.

Be it enacted, &c. SECT. 1. The shares of the capital stock of the Kennebec and Wiscasset Railroad Company, also the Knox and Lincoln Railroad Company, and also the Dexter and Newport Railroad Company, also the Belfast and Moosehead Lake Railroad Company, and also the Bangor and Piscataquis Railroad Company are hereby exempted from taxation for the term of ten years from the time said railroads shall be opened for travel, *provided, however,* that said shares shall be entered from year to year on the assessment books and returned with the valuation of the several places in which said shares may be owned, for the purpose of making the State valuation.

SECT. 2. This act shall take effect when approved by the governor. *Approved March 1, 1867.*

LAWS OF 1868, CHAP. 421.

An act to authorize the town of Dover to raise money to aid in the construction of the Bangor and Piscataquis Railroad.

Tax or loan to
be based on
valuation.

Be it enacted, &c. SECT. 1. The town of Dover, in the county of Piscataquis, may, at any legal meeting, duly notified and holden for that purpose, raise by tax or loan such sum of money as the town shall deem expedient, not exceeding one

and one-half per cent. on the valuation made by the assessors of said town for the year one thousand eight hundred and sixty-seven, and may appropriate the same to aid in the construction of the Bangor and Piscataquis Railroad in such manner as they shall deem proper; *provided*, that two-thirds of the legal voters present and voting at such meeting shall vote therefor.

How applied.

Proviso.

SECT. 2. This act shall take effect when approved. *Approved January 27, 1868.*

LAWS OF 1868, CHAP. 451.

An act to amend the charter of the Bangor and Piscataquis Railroad Company.

Be it enacted, &c. SECT. 1. The charter of the Bangor and Piscataquis Railroad Company is hereby so amended that the said road may be so located and constructed as to connect with the European and North American Railroad, either at Milford or Oldtown, as the directors of said Bangor and Piscataquis Railroad shall determine.

Connection
with E. & N. A.
R. R. author-
ized.

SECT. 2. Said corporation is hereby authorized to locate and build said road across Orson Island, and to take the necessary land therefor, paying to any member or person of the Penobscot tribe of Indians any damage he may suffer thereby, to be determined according to the provisions of chapter fifty-one of the revised statutes and the acts in addition thereto. *Approved February 5, 1868.*

May cross
Orson Island.

LAWS OF 1868, CHAP. 470.

An act to authorize the city of Bangor to aid the construction of a railroad into Piscataquis county.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to loan its credit to the Bangor and Piscataquis Railroad Company in aid of the construction of their railroad into Piscataquis county, to an amount not exceeding fifteen thousand dollars per mile, upon its compliance with the following terms and conditions:

Loan of credit
by city and
limit thereof.

Conditions of
same.

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall within two years from its approval locate its line, and shall within four years from its approval complete their railroad to the Piscataquis river, at or near the village of Milo, and thence to the village of Dover or Foxcroft, from some point on the line of the European and North American Railway in the town of Milford or Oldtown, to the approval of the mayor and aldermen of said city of Bangor, as a first class railroad, so that cars may pass over the same the whole distance, and shall perform the other conditions hereinafter named, then the said company shall be entitled to receive the full amount of fifteen thousand dollars per mile, as herein provided.

Payments,
when made.

SECT. 3. When said company shall complete five miles of said railroad from its southern terminus, connecting such other railroad as aforesaid, then they shall be entitled to receive the sum of seventy-five thousand dollars, and a like sum for every additional five miles so completed, and so on till the whole line is finished by the running of cars thereon, all said payments to be made by the scrip of said city, payable to the holder thereof in such sums as the directors of said road may determine, with coupons for interest attached, payable semi-annually, the principal payable in thirty years from the date thereof, and all payable in Boston or New York, and the same to be signed by the city treasurer and countersigned by the mayor of said city.

Where and
when payable.

Bond of corpor-
ation to city and
conditions
thereof.

SECT. 4. Concurrent with the issue and delivery of said city scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer, the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bond respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of

said company shall also, in case of the issuing of the scrip of said city, as provided in section two of this act, and simultaneously therewith, make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bond.

Scrip of corporation to issue to city in equal amount with scrip of city.

To be held by city as collateral, and in default of conditions of bond, sold by auction.

SECT. 5. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of said city scrip, and upon the delivery of their bond to said city to secure the payment of the same, to execute and deliver to said city treasurer, a mortgage without prior incumbrance, of their railroad from Milford or Oldtown northward or westward into Piscataquis county, and all of the property, real and personal, including the franchise thereof; said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said city the fulfilment of the conditions in said bond contained.

Corporation to give city security by mortgage of corporate property and franchise.

SECT. 6. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after

Foreclosure of mortgage, how and when made.

such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchises aforesaid, absolute in said city.

City may take possession of road upon non-fulfilment of conditions.

Income of road, how held and applied.

Possession and transfer of road to city, how made, &c.

All moneys thereafter received made payable to city.

SECT. 7. If the directors of said company shall at any time neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Bangor may take possession in the manner hereinafter provided of the whole of said railroad, and of all the property, real and personal, of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice, signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished.

SECT. 8. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice,

or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

Moneys in hands of treasurer to be paid to city treasurer after certain deductions.

When made and how by city treasurer applied.

Liability of persons for violation of foregoing provisions.

SECT. 9. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court, in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction, or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

How enforced and powers of S. J. Court in regard thereto.

SECT. 10. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

City, after notice of possession, may appoint officers.

Their powers and duties.

The directors to be chosen annually by city until extinguishment of loan.

SECT. 11. The city shall appoint two of the directors of the said railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company, as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

Liabilities assumed or incurred by city to create prior lien on road, franchise, &c.

SECT. 12. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said railroad, its franchise, and all its appendages, and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever on the said road from Milford or Oldtown northward or westward in Piscataquis county, and all the other property of said railroad corporation, and said lien shall be enforced and all the rights and interests of said city shall be protected when necessary by suitable and proper judgments, injunction or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

How enforced.

Lien not affected by mortgage or other securities.

Act, when and how accepted by city.

SECT. 13. This act shall not take effect or be of any force until the city council of said city, by a concurrent vote of at least two-thirds of the members of each branch present and voting, shall submit the same to a vote of the people of the city, and the legal voters of the city in legal ward meetings shall by a vote of two-thirds of all the votes thrown in the city at such meetings adopt the same. But if within one year from the approval of this act the city shall accept this act by such concurrent vote of the city council and of the citizens as afore-

said, then the act shall be in force thereafter, and be binding upon the city according to its true tenor and effect, but not otherwise.

SECT. 14. And whereas, the State of Maine by an act entitled "an act to provide means for the defence of the north-eastern frontier," approved March twenty-fourth, eighteen hundred and sixty-four, donated all its lands lying in the county of Piscataquis to aid the construction of a branch railway to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works from any point on the line between and including Oldtown and Lincoln; it is hereby declared that the proceeds of said lands derived from the sale of land and timber, or from the bonds secured by mortgage of said lands, shall be applied by said railway company to the building of said branch railway as described in this act; and all moneys, lands or other securities applicable to the building of said branch railway received from the claims of Maine and Massachusetts upon the United States government shall be applied to the building of said railway as described in this act; but before this section of this act shall become binding upon the European and North American Railway, it shall be accepted by said European and North American Railway Company by a majority vote of the stockholders thereof at a legal meeting to be duly called for that purpose.

Moneys and proceeds of lands directed by act of 1864, to be applied to construction of road.

Provisions of this section not binding upon E. & N. A. Railway until accepted by stockholders thereof.

SECT. 15. That the "act to authorize the city of Bangor to aid the construction of a railroad into Piscataquis county," approved February twenty-eighth, in the year of our Lord one thousand eight hundred and sixty-seven, be and the same is hereby repealed.

Act of Feb. 28, 1867, repealed.

SECT. 16. If the said company shall at any time neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the provisions of said bonds, then said city of Bangor may take actual possession of said road with all its appurtenances, and to manage the same as fully as a board of directors of said company for the time being, to appoint the requisite officers and agents, and to discharge the same, to fix

Non-fulfilment of conditions herein expressed, to enable city to take possession of road and manage same.

Powers of city in such management.

Earnings, how
applied.

When to relin-
quish control
of road.

Proviso.

the rate of fare and tolls, subject to the restrictions of the charter of said company, and to demand and receive the same with the right to prosecute and defend suits in the name of said company, and to do all things which said company itself, or the directors thereof, might or could lawfully do, after paying the running expenses; said city may apply sufficient of the earnings of said road to keep it, its buildings and equipments, in repair, and to prevent any deterioration thereof, and to provide for such new rolling stock as may be necessary, and then to apply the residue of said earnings to the payment of the interest, coupons and scrip or bonds aforesaid; and whenever said interest and all dishonored coupons, scrip or bonds, secured by said mortgage, referred to in this bill, shall have been paid, said city shall relinquish the control of said road and deliver any property of said company in its possession to said company or its assigns; *provided however*, said city, its officers or agents while operating said road under the provisions of this section, shall not be liable except for malfeasance or fraud, and shall have the right to apply any funds received from the earnings of said road in the management of said road for which said city shall be liable in land to third parties, and the delivery back to said company of any property of said company in its possession, shall be no discharge of its lien thereon, nor prevent said city from again taking possession of said road and property on any future breach of the condition of said bond.

SECT. 17. This act shall take effect when approved. *Approved February 12, 1868.*

LAWS OF 1868, CHAP. 575.

An act to amend an act entitled "an act to renew and extend the charter of the Bangor and Piscataquis Railroad," approved February twenty-eighth, eighteen hundred sixty-seven.

How amended.

Be it enacted, &c. SECT. 1. Section one of said act is hereby amended by adding after the word "Milford," in the ninth line "or Oldtown;" and also by adding the same words after the word "Milford," in section two, seventh line; and also by striking out the words "above the lower Penobscot boom," in the ninth and tenth lines of section one. *Approved February 24, 1868.*

LAWS OF 1869, CHAP. 174.

An act to amend chapter fifty-nine of the laws of eighteen hundred sixty-one, entitled "an act to incorporate the Bangor and Piscataquis Railroad Company."

Be it enacted, &c. SECT. 1. Section two of said act is hereby amended by striking out the words "a majority of whom shall form a quorum," and insert the words "and the stockholders of said company, at its annual meeting, may determine what number of its directors shall constitute a quorum, and said directors shall have the right by a vote of said stockholders, to fill any vacancy in said board of directors."

59 Me., 520.
Amendment.
Quorum, stockholders may determine number required for.
Vacancies may be filled by stockholders.

SECT. 2. This act shall take effect when approved. *Approved February, 26, 1869.*

LAWS OF 1870, CHAP. 381.

An act to enable the city of Bangor to extend further aid to the Bangor and Piscataquis Railroad Company.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to make a further loan of its credit, in scrip to be hereafter issued, to the Bangor and Piscataquis Railroad Company, to aid in the completion and equipment of its railroad from Oldtown to Dover, and for other necessary purposes connected therewith, upon the following terms and conditions, and not exceeding the sum of one hundred and twenty-five thousand dollars.

Amount of loan

SECT. 2. If this act shall be accepted as hereinafter provided, whenever the directors of said company shall from time to time, within one year from and after said acceptance, decide by their vote that it is for the interest of said company to receive a certain part of the scrip authorized to be issued for any of the above purposes, and the president of said company shall communicate said vote to the mayor and aldermen of said city, and request them, in writing, to issue and deliver to said company such part of said scrip as is required by said vote, then if said mayor and aldermen are satisfied that it will be for the interest of said company to receive a part of said scrip, authorized by

Conditions.

this act to be used for any of said purposes, they shall thereupon certify that fact to the treasurer of said city, stating to him the amount of scrip to be issued and delivered at that time, and he shall forthwith issue and deliver to said company said scrip to said amount, and so on, till the whole amount of said scrip authorized by this act, shall, if necessary for said purposes, be delivered; said mayor and aldermen to decide whether the same be necessary. All of said scrip shall be signed by the city treasurer, and countersigned by the mayor of said city, and shall bear date of the first issue thereof, and be made payable to the holder thereof in such sums as said directors may determine, with coupons for interest attached, reckoned at the rate of six per cent. per annum, payable semi-annually, free of government tax, the principal payable on the first day of April, in the year of our Lord one thousand eight hundred and ninety-nine, in Boston; and be secured by the bond and mortgage of said company, hereinafter mentioned, which shall be executed and delivered to the city treasurer on the first issue of said delivery of any of said scrip.

Scrip, how signed, issued, and when made payable.

Bond and mortgage.

Company to issue bonds to city in double amount of scrip of city.

Conditions of same.

Company further required to issue its scrip to city.

SECT. 3. Concurrent with the first issue and delivery of any part of said scrip as aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver, or cause to be executed and delivered, to the treasurer of said city, the bond of said company in the penal sum of double the amount of said city scrip authorized to be issued by this act; said bond shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued under and by virtue of this act, and said government tax, and also the principal thereof, according to the tenor of said scrip; and in all respects will hold and save harmless said city on account of the issue of the same; said president and directors shall also, in case of the issuing of said scrip of said city, as provided in section two of this act, and simultaneously therewith make, execute and deliver, or cause to be made, executed and delivered to said city treasurer, the scrip of said company, payable to the holder thereof at the same time and for the same amount as the scrip then issued and delivered by said city treasurer to said com

pany, with like coupons for interest attached, which scrip shall be held by said city as collateral security for the fulfilment of the conditions of said bond, and in default of any one of said conditions said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor, Boston or New York, or either of them, after sixty days' notice in writing to the president, one of the directors or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bond.

Same to be held as collateral, and sold by city in default of conditions.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon the receipt of the first issue and delivery of said city scrip, and upon the delivery of said bond of said company to said city treasurer to secure the payment of the same, to execute and deliver or cause to be executed and delivered to said city treasurer a mortgage of said railroad and of all the property of said company, real and personal, which said company then has or may thereafter acquire, together with the franchise of said company without prior incumbrance except as hereinafter mentioned, which mortgage shall be in due and legal form and executed according to the laws of this State, and contain apt and sufficient terms to secure to said city the fulfilment of all the conditions of said bond and said mortgage, so executed and delivered and recorded in the registry of deeds for the county of Penobscot, shall to all intents and purposes be and the same is hereby declared to be a full and complete transfer of said railroad of all the property of said company real and personal then owned by said company or subsequently to be acquired, wherever the same may be found or situated, and also of the franchise of said company, subject only to the conditions and exceptions contained in said mortgage. Said mortgage, property, real and personal, and said franchise, shall be subject to all mortgages heretofore given by said company to said city and now existing, and also to one other mortgage hereafter to be given by said company to said city, under and by virtue of the provisions of an act to authorize the city of Bangor to aid the construction of a railroad into Piscataquis

Company, upon first issue of scrip, to deliver bond of company to city treasurer and mortgage of corporate property.

Mortgaged property to be subject to prior mortgages.

county, passed February twelve, eighteen hundred and six-
 eight, and an act additional thereto, passed February eleven
 eighteen hundred and sixty-nine, which mortgage said com-
 pany reserves the right to give, on receiving the scrip of said
 city, to which said company may hereafter be entitled agree-
 ably to the provisions of said two acts, which mortgage, when
 executed and recorded agreeably to the provisions of said two
 acts, is to have priority to said mortgage executed and delivered
 under the provisions of this act; *provided however*, that said
 city shall at all times, whenever the mayor and aldermen may
 so decide, after the issue of any scrip contemplated by this act,
 and before all the scrip thus issued shall be extinguished by the
 right to take and hold possession of all the real and personal
 property of said company until said scrip shall be extinguished,
 subject only to the rights of said city under the mortgages
 hereinbefore mentioned, anything in this act to the contrary
 notwithstanding.

Proviso.

Foreclosure, for
 conditions
 broken.

SECT. 5. For the purpose of foreclosing said mortgage
 conditions broken, it shall be sufficient for the said mayor and
 aldermen to give notice according to the mode prescribed by
 the revised statutes for the foreclosure of mortgages by publi-
 cation of notice thereof, which may be published in a newspaper
 printed in Bangor, and a record thereof made within thirty
 days after the date of the last publication in the registry
 deeds for the county of Penobscot, which publication and
 record shall be sufficient for the purpose of such foreclosure.
 Upon the expiration of three years from and after such publi-
 cations, if the condition shall not within that time have been
 fulfilled, the foreclosure shall be complete, and shall make
 title to said road, and to all the said property, real and personal,
 and said franchise, absolute in said city. Said foreclosure
 shall not be considered as the foreclosure of any other
 mortgage now given, or hereafter to be given under said acts,
 by said company to said city, nor shall any of the proceedings
 or remedies under, and by virtue of this act, in any way
 affect the rights and remedies of said city, or of said company,
 under and by virtue of said other mortgages, and under and
 by virtue of said two acts.

Upon expira-
 tion, foreclosure
 to be complete.

Said foreclos-
 ure not consid-
 ered as foreclos-
 ure of any other
 mortgage.

SECT. 6. If the directors of said company shall at any time neglect or omit to pay the interest and said tax, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it becomes due, or to comply with any of the conditions of said bond, the city of Bangor may take possession in the manner hereinafter provided, of the whole of said railroad, and of all the property, real and personal, of said company, and of the franchise thereof, and may hold the same, and apply the income thereof to make up and supply such deficiencies that may occur while the same are so held, until all deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen, and served upon the president or treasurer, or any director of said company, or, if there are none such, upon any stockholder of said company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of the same, for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other claims thereon, except the claims of said city hereinbefore mentioned, until such purposes have been fully accomplished.

Interest, no payment of principal, or non-fulfillment of bond, city authorized to take possession of road.

Notice.

Possession, taken.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the city in manner, and for the purposes herein provided, and shall, after notice given to the persons receiving the same, respectively be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of said company therefor; but if any person without such notice shall make payment of moneys so received to the treasurer of said company, such payment shall be a discharge of all claims of the city therefor, against such person. All moneys received by the treasurer of said company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended or actually due for the running

Moneys received, how applied.

Payments to be made to city treasurer monthly; how applied.

Liability for wrong application of money.

Suit in equity authorized.

Injunctions, S. J. court, powers of, in relation to same.

Non-payment of interest or principal.

City may take possession, and appoint requisite officers, &c.

Powers of city in management of road.

expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and such tax, and principal due as aforesaid, and any person who shall pay or apply any moneys received as aforesaid in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as hereinafter required.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief, under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, or any such bill in vacation, or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bills, and shall have such proceedings and make such orders and decrees as may be within the power and according to the course of proceedings of courts of equity, as the necessities of the case may require.

SECT. 9. If the said company shall at any time, neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal thereof, as it shall become due, or said government tax, or to comply with any of the provisions of said bond, then said city of Bangor may take actual possession of said road with all its appurtenances, and manage the same as fully as a board of directors of said company for the time being, may appoint the requisite officers and agents, and discharge the same, may fix the rate of fare and tolls, subject to the restrictions of the charter of said company, and may demand and receive the same, with the right

to prosecute and defend suits in the name of said company, and may do all things which said company itself, or the directors thereof, might or could lawfully do, and after paying the running expenses, said city may apply sufficient of the earnings of said road to keep it and its buildings and equipment in repair, and to prevent any deterioration thereof, and to provide for such new rolling stock as may be necessary and then to apply the residue of said earnings to the payment of said interest, coupons, scrip or bond as aforesaid, and government tax; and whenever said interest, and all dishonored coupons, scrip or bonds, secured by said mortgage referred to in this act, shall have been paid, said city shall relinquish the control of said road, and deliver any property of said company in its possession to said company or its assigns; *provided, however,* said city, its officers or agents, while operating said road, under the provisions of this section, shall not be liable, except for malfeasance or fraud, and shall have the right to apply any funds received from the earnings of said road, to pay any damages that may arise in the management thereof, for which said city shall be liable in law to third parties; and the delivery back to said company any property of said company in its possession, shall be no discharge of its lien thereon, nor prevent said city from again taking possession of said road and property on any future breach of the condition of said bond.

Proviso.

SECT. 10. If the said company shall after notice of possession as aforesaid, neglect to choose directors thereof, or other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and who shall, upon their acceptance of such offices, be subject to all the duties and liabilities thereof.

Neglect to choose directors.

Proceedings.

SECT. 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time and by force thereof, and for the security and

Liabilities incurred or assumed by city to create a lien on road, &c.

payment of the same, create in favor of said city, a lien on the whole of said road, its franchise, and all its appendages, and all real and personal property of said company, which lien shall have preference, and be prior to all other liens and incumbrances whatever, except as hereinbefore excepted in behalf of said city, on all of said road, wherever the same is now, or may hereafter be located, and on said franchise, and on all other property, real and personal, of said company, and said lien shall be enforced and all the rights and interests of said city shall be protected, when necessary, by suitable and proper judgments, injunctions or decrees of the supreme judicial court in a bill or bills in equity which power is hereby specially conferred on said court; and it is hereby provided that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act or otherwise.

City may appoint two directors.

SECT. 12. The city may appoint under this act two directors of said company from among the stockholders, who shall be annually chosen by the city council, in joint ballot before the annual meeting of said company for the choice of officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from said company, as any other director. But the right to choose such director shall cease when the loan contemplated shall be extinguished.

Act, when to take effect.

SECT. 13. This act shall not take effect or be of any force until the city council of said city, by a concurrent vote of at least two-thirds of the members of each branch of the city council, present and voting, shall submit the same to a vote of the legal voters of the city, and the legal voters of the city in legal ward meetings, shall, by a vote of two-thirds of all the votes thrown in the city at such meetings, adopt the same. But if within one year from the approval of this act, said city shall accept said act by such concurrent vote of said city council, and of said legal voters as aforesaid, then said act shall be in force thereafter, and be binding upon said city according to its true tenor and effect, but not otherwise. Said ward meet-

ings shall be called, notified, held, returns and made, declared recorded, agreeably to the provisions of the city charter of said city for calling and holding ward meetings for the choice of city officers, and returns thereof.

Ward meetings,
how called,

SECT. 14. This act shall take effect when approved. *Approved February 28, 1870.*

LAWS OF 1871, CHAP. 523.

An act granting further time to the Bangor and Piscataquis Railroad Company to complete their road.

Be it enacted, &c. SECT. 1. The Bangor and Piscataquis Railway Company having constructed its road from its terminus in Oldtown to the town of Foxcroft, a distance of forty miles, a further time of three years is hereby granted said company, from the passage of this act, for locating the line of its road from its depot in Foxcroft to Moosehead Lake, and the additional time of three years thereafter for completing the construction of the same.

Three years' additional time granted for completing the construction of road.

SECT. 2. This act shall take effect when approved. *Approved January 27, 1871.*

LAWS OF 1871, CHAP. 619.

An act to extend the Bangor and Piscataquis Railroad.

Be it enacted, &c. SECT. 1. The Bangor and Piscataquis Railroad Company is hereby authorized and empowered to extend, locate and construct a railroad from some point on the line of its road, as the same is or may be hereafter located at or westerly of the town of Foxcroft on the most practicable route through the counties of Piscataquis, Somerset and Franklin, to the northwestern boundary of the State; *provided*, that in making said extension, location and construction, said company shall be subject to all the duties, restraints and obligations imposed upon said company by an act entitled "an act to incorporate the Bangor and Piscataquis Railroad Company," approved March five, eighteen hundred sixty-one, and to all the amendments thereto, and shall also have and possess

Authorized to extend B. & P. Railroad.

all the powers and privileges granted by said act and amendments.

SECT. 2. Five years from the passage of this act is hereby granted said company to locate and construct the said extension of said railroad as provided in section one.

SECT. 3. This act shall take effect when approved. *Approved February 15, 1871.*

LAWS OF 1871, CHAP. 676.

An act to enable the city of Bangor to aid the Bangor and Piscataquis Railroad Company in the extended construction of its railroad.

City of Bangor
authorized to
loan its credit.

See laws of 1875,
Chap. 19.

Amount of loan.

Upon accept-
ance of act,
company shall
locate road.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to make a further loan of its credit, in scrip, to be hereafter issued to the Bangor and Piscataquis Railroad Company, to aid in the extended construction of its railroad on a line hereafter to be located and built under its charter as at present revised and amended, from some point on the line of its road at or near its present terminus, in Foxcroft, westerly or northerly towards Moosehead lake, to an amount not exceeding the rate of fifteen thousand dollars per mile, upon its compliance with the following terms and conditions:

SECT. 2. If this act shall be accepted as hereinafter provided, and said company shall, within three years of its approval, locate the line of its railroad, and shall within six years from its approval complete said road from some point in the line of its road at or near its present terminus in Foxcroft to some point at or near Moosehead lake, to the satisfaction of the mayor and aldermen of said city of Bangor, as a first-class railroad in good running order, so that cars may pass over the same the whole distance from or near said terminus, and shall perform the other conditions hereinafter named, then said company shall be entitled to receive the full amount of scrip of fifteen thousand dollars per mile, and at that rate for such part of said line of said railroad as shall from time to time be so completed as hereinafter provided.

SECT. 3. When said company shall construct to the satisfaction of the mayor and aldermen of said city, five miles of its

railroad, from said first named point in its said line westerly or northerly towards said lake so far that the track shall be graded and the rails laid so that cars may run safely over same, they shall certify that fact to the treasurer of said city and said company shall be entitled to receive from him five thousand dollars of said scrip, per mile, and so on and in like manner and at that rate for every additional five miles or fractional part thereof so constructed, till the whole line between said first named point to some point at or near said lake shall be so constructed; and when said company shall completely finish, to the satisfaction of said mayor and aldermen, five miles of its said road on said line westerly or northerly towards said lake, from said first named point, they shall certify that fact to the treasurer of said city, and said company shall be entitled to receive from him three thousand dollars of said scrip, per mile, and such other sums, if any, as said company may be entitled to receive at that time, to make up said five thousand dollars per mile, and at that rate and in like manner for every additional five miles or fractional part thereof till the whole line between said points is completely finished; *provided, however*, the whole amount of said scrip issued and delivered to said company under this act shall not exceed the rate of fifteen thousand dollars per mile of such completely finished railroad as a first-class railroad. All of said scrip authorized to be issued by this act shall be signed by the city treasurer and countersigned by the mayor of said city and shall bear date of the first issue and delivery thereof, and be payable in Boston to the holder thereof, and be of such denominations as said directors may determine, with coupons for interest attached at the rate of seven per cent. per annum, payable semi-annually, on the first day of April and October, each year, free from government internal revenue income tax; the principal and interest payable in the lawful money of the United States, and the principal payable the first day of April, in the year of our Lord one thousand eight hundred ninety-nine.

When 5 miles of road has been completed, company shall be entitled to receive \$12,000 of scrip per mile.

Proviso.

Whole amount of scrip issued to company not to exceed \$15,000 per mile.

Scrip payable in Boston.

Rate of interest.

Principal and interest payable in lawful money.

SEC. 4. Concurrent with each issue and delivery of said city scrip, the president and directors of said company in their

Concurrent with each issue

and delivery of scrip, the president and directors shall execute and deliver to treasurer of city, bond of company for double of amount of scrip.

Bond to be payable in Bangor or Boston.

Conditions.

President and directors of company, duties of, in case of issuing scrip.

official capacity shall execute and deliver, or cause to be executed and delivered, to the treasurer of said city, for said city, the bond of said company, the penal sum in said bond to be double the amount of the scrip authorized to be issued at that time. Said bond shall be made payable to the city of Bangor, and be conditioned that said company will duly pay the interest on such scrip of said city, as shall be issued and delivered at the time of the date of said bond, free of said tax; and the principal thereof, according to the tenor of said scrip and coupons, and in all respects will hold and save harmless said city on account of the issue of the same. The president and directors of said company shall also in case of the issuing of the scrip of said city, as hereinbefore provided, and simultaneously therewith make, execute and deliver, or cause to be made, executed and delivered, to the said city treasurer, the scrip of said company, payable to the holder thereof, at the same place and time, and for the same denominations and amount as the scrip then issued by said treasurer to said company, with like coupons for interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of said bond; and in default of any one of said conditions said city may, from time to time, sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bangor and Boston, or either of them, after sixty days' notice in writing to the president or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale; the net proceeds of all such sales shall be endorsed on said bond.

SECT. 5. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the receipt of each issue and delivery of said city scrip, and upon the delivery of each of said bonds to said city treasurer, to secure the payment of such city scrip as shall be issued and delivered to said company at that time, to execute and deliver or cause to be executed and delivered to said city treasurer for said city, a mortgage of its said railroad from its terminus in Oldtown northward and westward into Piscataquis county, to its terminus in Foxcroft, and thence westerly

Mortgage of railroad, &c.

or northerly to some point at or near Moosehead lake, whenever the same may be located and built under its charter as now revived and amended, and of all the property of said company, real and personal, which said company then has or may thereafter acquire, together with all franchises of said company without prior incumbrance, excepting, however, all incumbrances to said city, prior to the date of said mortgage, which mortgage shall contain apt and sufficient terms to secure the fulfilment of the conditions of said bond, and be in due and legal form and executed by such officer of said company as said directors may direct by their vote; and said mortgage so executed and delivered and recorded in the registry of deeds in the county of Penobscot, shall to all intents and purposes, be, and the same is hereby declared to be, a full and complete transfer of said railroad and of all the property of said company, real and personal, then owned by said company or subsequently to be acquired by it, wherever the same may be found or situated, and also the franchises of said company, with all its present amendments and additions, subject only to the conditions and exceptions contained in said mortgage, and to the prior rights, liens and interests of said city, under and by virtue of mortgages given by said company to said city, anterior to the date of the mortgage then to be given, and under and by virtue of this and two previous loan bills, one approved February twelve, eighteen hundred and sixty-eight, and the other February eleven, eighteen hundred and sixty-nine.

SECT. 6. For the purpose of foreclosing either of said mortgages for conditions broken, it shall be sufficient for said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof made within thirty days after the date of the last publication, in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after the first publication as aforesaid, if the conditions shall not within that time have been fulfilled, the foreclosure shall be

Foreclosure of mortgage.

complete, and shall make the title to said road and to all the said property, real and personal, and said franchise, absolute in said city. Said foreclosure shall not be considered as the foreclosure of any other mortgage now given by said company to said city, nor shall any of the proceedings or remedies under and by virtue of this act in any way affect the rights and remedies of said city or of said company, under and by virtue of other mortgages, and under and by virtue of said two acts or any other rights or claims which said city has or may have against said company.

Interest and
tax, neglect to
pay, effect.

SECT. 7. If the directors of said company shall at any time neglect or omit to pay the interest and said tax, which may become and as it shall become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it becomes due, or to comply with any of the conditions of said bond, the city of Bangor may take possession in the manner hereinafter provided, of the whole of said railroad, and of all the property real and personal, of said company, and of the franchise thereof, and may hold the same, and apply the income thereof to make up and supply such deficiencies that may occur while the same are so held, until all deficiencies shall be fully made up and discharged. A written notice signed by the mayor and a majority of the aldermen, and served upon the president or treasurer or any director of said company, or if there are none such, upon any stockholder of said company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be sufficient actual possession thereof, and shall be a legal transfer of the same, for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other claims thereon, except the claims of said city hereinbefore mentioned, until such purposes have been fully accomplished.

Moneys
received, appli-
cation of.

SECT. 8. All moneys received by or for the said railroad company after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the said city in manner and for the purposes herein provided, and shall, after notice

given to persons receiving the same, respectively be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of said company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of said company, such payment shall be a discharge of all claims of the city therefor, against such person. All moneys received by the treasurer of said company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month and shall be by him applied to the payment of all the interest and such tax, and principal due as aforesaid, and any person who shall pay or apply any moneys received as aforesaid in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as hereinafter required.

Moneys received by treasurer of company shall be paid to city treasurer in certain cases.

SECT. 9. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bangor, in the supreme judicial court in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief, under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such suits, and shall have such proceedings and make such orders and decrees, as may be within the power and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Mayor and aldermen may cause suit in equity to be instituted.

Judge may issue writ of injunction.

Jurisdiction court.

SECT. 10. If the said company shall at any time neglect or omit to pay the interest which may become due and as it shall

City of Bangor
may take pos-
session of road
in case of neg-
lect to pay prin-
cipal and inter-
est.

Proceedings.

become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal thereof as it shall become due, or said government tax, or to comply with any of the provisions of said bond, then said city of Bangor may take actual possession of said road, with all its appurtenances, and manage the same as fully as a board of directors of said company for the time being, may appoint the requisite officers and agents, and discharge the same, may fix the rate of fare and tolls, subject to the restrictions of the charter of said company, and may demand and receive the same, with the right to prosecute and defend suits in the name of said company, and may do all things which said company itself or the directors thereof might or could lawfully do; and after paying the running expenses, said city may apply sufficient of the earnings of said road to keep it and its buildings and equipments in repair, and to prevent any deterioration thereof, and to provide for such new rolling stock as may be necessary, and then to apply the residue of said earnings to the payment of said interest, coupons, scrip or bonds as aforesaid, and government tax; and whenever said interest and all dishonored coupons, scrip or bonds, secured by said mortgage referred to in this act, shall have been paid, said city shall relinquish the control of said road and deliver any property of said company in its possession to said company or its assigns; *provided however*, said city, its officers or agents, while operating said road under the provisions of this section, shall not be liable, except for malfeasance or fraud, and shall have the right to apply any funds received from the earnings of said road to pay any damages that may arise in the management thereof, for which said city shall be liable in law to third parties; and the delivery back to said company of any property of said company in its possession, shall be no discharge of its lien thereon, nor prevent said city from again taking possession of said road and property on any future breach of the condition of said bond, or any failure to hold and save harmless said city from all damages claimed by third persons.

Neglect to
choose directors

SECT. 11. If the said company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or other

necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and they shall upon their acceptance of such offices be subject to all the duties and liabilities thereof.

SECT. 12. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time and by force thereof, and for the security and payment of the same, create in favor of said city a lien on the whole of said road, its franchise and all its appendages, and all real and personal property of said company owned and held by it at the date of the first mortgage hereinbefore authorized to be given, and all the property, real and personal, which said company shall thereafter acquire. Said lien shall continue till all the city scrip hereinbefore authorized to be issued shall be paid and cancelled, and all other liabilities and indebtedness not secured by prior mortgages on said road and property, which lien shall have preference and be paid prior to all other liens and incumbrances whatever, except as hereinbefore excepted in behalf of said city, on all of said road wherever the same is now or may hereafter be located, and on said franchise, and on all property, real and personal, of said company, and said lien shall be enforced and all the rights and interests of said city shall be protected, when necessary, by suitable and proper judgments, injunctions or decrees of the supreme judicial court, in a suit or suits in equity, which power is hereby specially conferred on said court; and it is hereby provided that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city of any mortgage or other securities contemplated by the provisions of this act or otherwise.

Additional protection.

Lien on road, its franchises and appendages.

SECT. 13. The city may appoint under this act two directors of said company, who shall be annually chosen by the city council, in joint ballot before the annual meeting of said com-

City may appoint two directors.

pany for the choice of said officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from said company as any other director. But the right to choose such director shall cease when the loan contemplated shall be extinguished.

Act not to take effect until accepted by legal voters of city.

SECT. 14. This act shall not take effect or be of any force until the city council of said city, by a concurrent vote of at least two-thirds of the members of each branch of the city council, present and voting, shall submit the same to a vote of the legal voters of the city in ward meetings, and the legal voters of the city in legal ward meetings shall, by a vote of two-thirds of all the votes thrown in the city at such meetings, adopt the same. But if within one year from the approval of this act, said city shall accept said act by such concurrent vote of said city council, and of said legal voters as aforesaid, then said act shall be in force thereafter, and be binding upon said city according to its true tenor and effect, but not otherwise. Said ward meetings shall be called at such time or times as the mayor and aldermen may appoint, and be notified and warned, held, returns made, declared and recorded, agreeably to the provisions of the city charter of said city for calling and holding ward meetings for the choice of city officers, and returns thereof.

Ward meetings, how called.

SECT. 15. This act shall take effect when approved. *Approved February 22, 1871.*

LAWS OF 1872, CHAP. 44.

An act to authorize the Bangor and Piscataquis Railroad Company to locate and construct branch lines.

Authorized to locate and construct railroad through certain towns.

Brownville.

Be it enacted, &c. SECT. 1. The Bangor and Piscataquis Railroad Company is hereby authorized to locate and construct a branch railroad from some point in the line of its road as now built in the town of Milo, northerly through the town of Brownville and any other intervening town or towns, to some point at or near the Katahdin Iron Works in the county of Piscataquis; and also to locate and construct from some point on the line of said branch railroad as the same may be

after located, on some feasible route to a point at or near
 e lake, and in or near Sebec village; *provided however*, Sebec.
 said branch line to Sebec lake may be located and built
 some point on the main line instead of from a point on
 branch line to Katahdin Iron Works.

ACT. 2. In making said extensions, locations and construc-
 said company shall be subject to all the duties, restraints
 obligations applicable thereto, imposed on said company
 n act entitled "an act to incorporate the Bangor and Pis-
 quis Railroad," approved March fifth, eighteen hundred
 sixty-one, and by all the amendments thereof; and shall
 have and possess all the powers and privileges granted by
 act and amendments. Duties of.

ACT. 3. Said company shall have one year from the ap-
 al of this act to locate said branch railroads, and two years
 said approval to construct the same. Time for locat-
 ing and con-
 structing road.

ACT. 4. Said company shall be at all times subject to such
 eral laws in relation to railroads as have been or may be
 after enacted by the legislature of this State. Subject to cer-
 tain laws

ACT. 5. This act shall take effect when approved. *Ap-
 roved February 6, 1872.*

LAWS OF 1872, CHAP. 174.

ct to authorize the town of Brownville to loan its credit in aid of the
 ngor and Piscataquis Railroad and Piscataquis Central Railroad
 mpanies.

Be it enacted, &c. SECT. 1. The town of Brownville is
 by authorized to loan its credit to aid the Bangor and Piscat-
 s Railroad Company and Piscataquis Central Railroad
 mpany, or either of said railroads, in extending their branches
 Brownville village, providing said loan does not exceed
 t thousand dollars, and subject to the provisions of sections
 ty, eighty-one and eighty-two, of chapter fifty-one of the
 ed statutes. Brownville
 authorized to
 loan its credit.

ACT. 2. This act shall take effect when approved. *Ap-
 roved February 28, 1872.*

LAWS OF 1874, CHAP. 448.

An act to confirm the lease of the Bangor and Piscataquis Railroad to the Consolidated European and North American Railway Company.

Lease ratified
and confirmed.

Be it enacted, &c. That the contract and lease between the Bangor and Piscataquis Railroad Company and the Consolidated European and North American Railway Company, as now constituted, for operating its line of railroad between Oldtown and Guilford, by the latter company, and the transfer and assignment thereof, and of its rights, franchises and privileges, by it to the latter company, as provided in said contract and lease, is hereby authorized, ratified and confirmed. *Approved February 10, 1874.*

LAWS OF 1875, CHAP. 19.

An act additional to an act entitled, "an act to enable the city of Bangor to aid the Bangor and Piscataquis Railroad Company."

City of Bangor
authorized to
aid in addition
to laws of 1871,
ch. 678.

Amount of aid
not to exceed
\$1000 per mile.

Manner in
which the city
may issue scrip.

Be it enacted, &c. SECT. 1. The city of Bangor is hereby authorized to make a further loan of its credit to the Bangor and Piscataquis Railroad Company, in addition to the loan now authorized by chapter six hundred and seventy-six of the special laws of eighteen hundred and seventy-one, to which this act is additional, to aid said company in the construction of its proposed line of railroad from its present terminus in Abbot to Moosehead lake, substantially upon the line approved by the county commissioners of Piscataquis county, January twenty-sixth, eighteen hundred and seventy-four, a distance of about twenty-two miles. The amount of such further loan of credit not to exceed one thousand dollars per mile upon each mile of railroad of said company, reckoning from its terminus in Oldtown to the terminus near said Moosehead lake, and said further or additional loan shall be made in such scrip of said city of Bangor, in all respects and in all particulars as that provided for and authorized by said chapter six hundred and seventy-six, special laws of eighteen hundred and seventy-one, and to be regarded and treated as an additional amount to the scrip authorized to be issued by said act,

and is hereby made subject to all the provisions of said act, and shall be secured in the same manner and to the same extent as provided in said act, and said city of Bangor shall have the same liens upon said railroad and right to enforce the same remedies as those provided in said act.

Scrip how
secured.

Lien of city.

SECT. 2. If this act shall be accepted as is provided for hereinafter in section four, and said railroad company shall within two years from February twenty-second, eighteen hundred and seventy-five, complete the remainder of its line of railroad from its present terminus in the town of Abbot to the terminus near Moosehead lake, as a first-class railroad, and have the same in good running order so that cars may pass over the same, all to the satisfaction of the mayor and aldermen of said city of Bangor, and shall also comply with and perform all other conditions imposed upon it by this act and by the six hundred and seventy-sixth chapter of special laws of eighteen hundred and seventy-one, to which this act is additional, then it shall be entitled to have and receive from said city of Bangor its scrip, as authorized by section one of this act, to the full amount of one thousand dollars per mile, for each mile of its railroad from its terminus in Oldtown to its terminus at Moosehead lake, in addition to the fifteen thousand dollars per mile upon each mile of new road constructed, authorized by said chapter six hundred and seventy-six, special laws of eighteen hundred and seventy-one.

When the scrip
may be issued
by the city to
the railroad.

SECT. 3. When said Bangor and Piscataquis Railroad Company shall have constructed to the satisfaction of the mayor and aldermen of said city of Bangor, five miles of its said railroad from its present terminus in Abbot in its said line westerly or northerly towards said Moosehead lake, so far that the track shall be graded and the rails laid so that cars may run safely over the same, they shall certify that fact to the treasurer of said city, and said company shall be entitled to receive from him two thousand dollars per mile of the scrip authorized by this act, in addition to the twelve thousand dollars per mile authorized by section three of said chapter six hundred and seventy-six, special laws of eighteen hundred and seventy-one, and so on and in like manner and at same rate

Road to be
built to the sat-
isfaction of the
mayor and
aldermen.

for every additional section of five miles and fractional part thereof, so constructed till the whole line from said terminus in Abbot to said terminus near to Moosehead lake shall be constructed, and when said company shall completely finish to the satisfaction of said mayor and aldermen, five miles of its said road on said line westerly or northerly towards said Moosehead lake from said terminus in Abbot, they shall certify that fact to the treasurer of said city, and said company shall be entitled to receive from him one thousand five hundred dollars per mile of the scrip authorized by this act, in addition to the three thousand dollars of scrip per mile authorized to be issued by section three of said chapter six hundred and seventy-six, and such other additional sums, if any, as said company may be entitled to receive at that time under this act, and at the same rate and in like manner for every additional section of five miles and fractional part thereof, till the whole line between the points named hereinbefore is completely finished.

When the act to
take effect.

SECT. 4. This act shall not take effect or be of any force until the city council of said city of Bangor, by a concurrent vote of at least two-thirds of the members of each branch thereof, present and voting, shall submit the same to a vote of the legal voters of said city, in ward meetings, and said legal voters of said city, in legal ward meetings, shall by a vote of two-thirds of all the votes thrown in the city at said meetings, adopt the same. But if within one year from the approval of this act said city shall accept the same by such concurrent vote of said city council and of said legal voters as aforesaid, then the said act shall be in force thereafter, and be binding upon said city according to its true tenor and effect provided this act is accepted by the said Bangor and Piscataquis Railroad Company, and also by the Consolidated European and North American Railway Company, and said Consolidated European and North American Railway Company shall by vote of the stockholders thereof give its bond to the said city of Bangor, in a penal sum of twice the amount of the scrip to be issued under this act, that said company will pay the principal of said scrip and all coupons for interest at

Vote of
stockholders.

Bond to be
given to city of
Bangor.

the same as each may become due, and will hold said city harmless from the same, but not otherwise. Said ward meetings shall be called at such time or times as the mayor and aldermen may appoint, and shall be notified and warned, held and the returns thereof made, declared and recorded, agreeably to the provisions of the city charter of said city for calling and holding ward meetings for the choice of city officers and making the returns thereof.

Ward meetings
to be called—
how notified.

SECT. 5. This act shall take effect when approved. *Approved January 28, 1875.*

LEASE

Of the Piscataquis Railroad Company to the Consolidated European and North American Railway Company for nine hundred and ninety-nine years, from April 1, 1873.

ARTICLES OF CONTRACT AND AGREEMENT made this first day of April, in the year of our Lord one thousand eight hundred and seventy-three, by and between the Bangor and Piscataquis Railroad Company, a corporation existing under and by virtue of the laws of the State of Maine, (and hereinafter called the Piscataquis Company) and the Consolidated European and North American Railway Company, a corporation existing under and by virtue of the laws of said State of Maine, and the laws of the Province of New Brunswick, (hereinafter called the European Company) operating by the said European Company, the line of railroad built and owned by the said Piscataquis Company.

Whereas said Piscataquis Company owns and is operating a railroad between Oldtown, in the county of Penobscot, in the said State, and Milford, in the county of Piscataquis, in said State, a distance of about thirty miles, and having the right under existing laws to construct, operate and maintain other and additional miles of railroad, and whereas the said European Company owns and is operating a railroad between Bangor, in said State, and St. John in the Province of New Brunswick, through said Oldtown, with which the railroad of said Piscataquis Company forms a connection in said Oldtown, and its business between said Oldtown and said Bangor is done and performed by said European Company upon and over its railroad, and the directors of said companies upon mature consideration have determined that the mutual interest, and advantage of both of said companies, and the public interest and conveniences will be

EUROPEAN AND NORTH AMERICAN RAILWAY.

greatly promoted by the railroads of said companies being operated under one management and control.

Now therefore, this agreement and contract made by and between the corporations above named parties hereto witnesseth.

That the said Piscataquis Company contracts with the said European Company for operating its line of railroad between said Oldtown and said Guilford, and that the terms and conditions for carrying the same into effect shall be as hereinafter provided.

ART. 1. The said Piscataquis Company hereby lets, transfers and gives the possession of its railroad between the point of its connection in Oldtown, with the railroad of the said European Company and said Guilford together with all its rights of way, and all its side tracks, station grounds, depots, stations, engine houses, turn tables, machine shops, machinery, engines, passenger, freight, baggage, hand cars, and all the other rolling stock and equipment now in use on its railroad, together with all the other property used in operating and doing business upon and over its railroad, together with all the rights which said Piscataquis Company now have or may hereafter acquire, to construct and maintain other and additional miles of railroad, and including all its other property of every kind and description to the said European Company, its successors and assigns for and during the term of nine hundred and ninety-nine years from the first day of said April, A. D. 1873.

ART. 2. Said European Company hereby agrees to take possession of all the property named in article one and operate said line of railroad between said Oldtown and Guilford, and run such passenger and freight trains of cars over said railroad for the transportation of passengers and property of all description upon the same as the business coming upon said railroad, and the public interest and convenience may require and perform all the duties required by law of said Piscataquis Company in regard to operating its railroad and assume all risk and liabilities which may arise therefrom, or be connected with and incurred by doing said business and performing said service, and will also keep and perform all the engagements and undertakings of the said Piscataquis Company with its customers and patrons, and maintain said railroad and the equipment thereof, and all the property received by said European Company at all times in good order, condition and repair, and shall keep the bridges station-houses and other buildings of said Piscataquis Company suitably insured, and in case of loss of bridges or station-houses by fire, apply the insurance to rebuilding the property destroyed, and in case of loss of other buildings which said European Company deem inexpedient to rebuild then the proceeds of insurance to be applied to the erection of other buildings on the line of the road.

ART. 3. Said European Company shall pay as they mature the coupons falling due after the date hereof, upon all the scrip of the city of Bangor issued to said Piscataquis Company to aid in the construction of its railroad, the amount of said scrip being seven hundred and twenty-two thousand dollars.

ART. 4. Said European Company shall also pay by its promissory note on twenty years with semi-annual interest at such rate as the city of Bangor

gor from year to year may be obliged to pay on temporary loans not exceeding seven per cent per annum the amount due the city of Bangor, from said Piscataquis Company, on account of coupons paid by said city for said company and interest, said note to be received as collateral to the mortgage. The said coupons not to be cancelled or destroyed but to remain without use or action thereupon by the said city of Bangor until the maturity of said collateral note or failure to pay interest thereon, according to its tenor, and then if said collateral note and interest as aforesaid is paid, said coupons to be cancelled or destroyed it being understood that said coupons are only held to secure to the city the payment of said note, (said coupons being secured by mortgage) and not to be resorted to by the city except in default of payment of said note or interest agreeably to its tenor of said European Company, or of subsequently maturing coupons, provided however that said city of Bangor shall hold and take care of said coupons at its own risk and expense, without any expense to said European Company, and to indemnify and save harmless said European Company from any loss, cost or damages which may arise or be incurred by said European Company, by reason of said coupons not being surrendered by said city and cancelled.

ART. 5. Said European Company pays simultaneously with the execution hereof, the debt of said Piscataquis Company of one hundred thousand dollars, and accrued interest at the Bangor Savings Bank, upon which certain of the directors of said Piscataquis Company are understood to be holden as endorsers or sureties, and for which said savings bank holds two hundred thousand dollars in amount of the second mortgage bonds of said Piscataquis Company as collateral security.

ART. 6. Said European Company shall likewise provide for and pay as they mature all the scrip issued by the city of Bangor to aid in the construction of the railroad of said Piscataquis Company, and save said city harmless from the same and shall deliver to be defaced and cancelled to the said city the coupons and scrip as fast as they are paid.

ART. 7. Upon the payment of the debt of one hundred thousand dollars, and interest to the Bangor Savings Bank, the second mortgage bonds of said Piscataquis Company amounting to two hundred thousand dollars, now held by said bank as collateral security for said debt, shall become the property of said European Company.

ART. 8. The stock of said Piscataquis Company belonging to said city of Bangor, amounting to four thousand shares shall be placed in the hands of some suitable person as trustee, who shall hold the same for the benefit of whom it may concern, but shall vote upon it by himself or by his proxy or attorney at all meetings of stockholders of said Piscataquis Company as required and directed by said European Company during the continuance of this contract and agreement. Said trusteeship shall continue until the indebtedness to the city of Bangor shall be paid or this contract and agreement shall be otherwise terminated, when it shall cease and said stock shall become absolutely the property of said European Company, unless said contract and agreement be terminated by the default of said European Company, in which case the said stock shall remit to the city of Bangor. In case of a vacancy in the trusteeship provided for in

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this contract the chief justice of the supreme judicial court of the State of Maine may fill the vacancy by appointment.

The first trustee under this article is by agreement,

JOSEPH S. WHEELWRIGHT, of Bangor.

ART. 9. At the end of five years from date hereof, said European Company shall commence the creation of a sinking fund for the redemption and payment of the scrip of the city of Bangor issued to said Piscataquis Company, in aid of the construction of its railroad by paying to a trustee of said city in money or scrip as hereinafter provided the sum of twenty-five hundred dollars, semi-annually for the term of ten years from the commencement of said payment, and from the end of said ten years until the maturity of said scrip a period of eleven years, said European Company shall pay to said trustee or said city in money for the redemption of said scrip or pay in said scrip as hereinafter provided the sum of five thousand dollars semi-annually. Said European Company may however during said period of time or any part thereof, at its option purchase and deliver semi-annually to said city corresponding amounts of said scrip reckoned at par value, and the same and all the coupons thereon shall be cancelled or in lieu thereof, if said scrip cannot be purchased at such prices as may be satisfactory to said European Company, said European Company may purchase and deliver to said trustee during said periods of time or any part thereof, semi-annually corresponding amounts reckoned at par value of bonds of the city of Bangor, of the county of Penobscot, or of the State of Maine, and in case said European Company shall purchase and deliver to said trustee bonds of either of the other kinds above named, he shall hold the same as trustee aforesaid until he can purchase said scrip at or under par value when he shall sell said bonds and purchase said scrip to the amount of said funds in his hands and shall cancel and deliver said scrip and coupons so purchased to said city. But in case said European Company shall pay said trustee said semi-annual instalments or any part thereof in money as aforesaid, instead of purchasing and delivering to said city said scrip or bonds as aforesaid, he shall from time to time loan said money to said city, taking therefor the note of said city payable to himself as trustee aforesaid with semi-annual interest provided said city will hire said money and give him its note or notes therefor as aforesaid, and the proceeds of said notes when paid shall be applied to the redemption and payment of said scrip. Should said city decline at any time to hire said money as aforesaid, he shall after consultation with the president of said European Company, and the mayor of said city invest such money as said city declines to hire in such bonds as said president and mayor deem a safe investment, and hold said bonds in trust for the redemption and payment of said city scrip, until said scrip can be purchased at par value or under, or if it cannot be so purchased until the maturity of said scrip, then on the happening of either of said events said trustee shall sell said bonds and purchase with the proceeds thereof, said scrip and coupons, cancel and deliver the same to said city. In case of entry by said city for condition of its mortgage broken, said trustee is to cease to hold said sinking fund as trustee but shall deliver the same to said city, and said city shall apply it to the redemption and payment of said scrip.

JOHN L. CROSBY is hereby appointed the first trustee under this article, and in case of his decease before the commencement of the creation of said sinking fund, or in case he shall not accept said trusteeship or for any cause there shall at any time be a vacancy in the same, the chief justice of the supreme judicial court for the time being may appoint a trustee to the vacancy.

Any party interested in the performance of this trust has the right to enforce the same in the supreme judicial court of this State. If said European Company shall fail to pay the sinking fund as herein provided for any part thereof, then any foreclosure of the mortgage securing the second mortgage bonds or any mortgage securing any other bonds that shall hereafter be issued in the name of said Piscataquis Company shall be opened, and any proceedings to foreclose the same if any shall be suspended until the said sinking fund so unpaid shall be paid.

ART. 10. The said European Company promise and agree to pay all taxes that may be assessed upon the corporation of the said Piscataquis Company, and upon all the real and personal estate taken under this contract and to save the said company harmless therefrom.

ART. 11. There shall be a careful examination of the present condition of the roads hereby leased, and of the buildings, rolling stock and property of every kind connected therewith, and an inventory made, one copy of which shall be appended to this contract as a part thereof, with a view to an equitable adjustment of the interest of the parties in case for any cause this contract and agreement should be cancelled or become void.

ART. 12. The said Piscataquis Company hereby assigns and transfers to said European Company all its cash assets, rights and credits, wood and lumber on hand, and all material on hand for repairs, and all other materials and personal property of like kind used and to be used in operating its railroad, engines, cars, rolling stock, apparatus and tools excepted, and said European Company hereby agrees to assume and pay all the floating debts and liabilities of said Piscataquis Company, also the defence of all suits, prosecutions and complaints against said company.

ART. 13. The present board of directors, excepting the city directors of said Piscataquis Company, shall resign upon the execution of this contract and agreement and its delivery, and thus make way for a new board under the new order of things, not interfering with the rights of the city under the mortgage to elect annually four directors.

ART. 14. These articles of contract and agreement shall be binding upon said companies parties hereto and take effect when the same shall have been approved by the stockholders of each of the said corporations parties hereto.

In witness whereof said Bangor and Piscataquis Railroad Company has caused its name to be hereto signed and its seal affixed by its president and treasurer duly authorized, and said Consolidated European and North American Railway Company has caused its name to be hereto signed and its seal affixed by its president and treasurer duly authorized.

Bangor and Piscataquis Railroad Company, by

L. S.

ISAIAH STETSON, *President.*
S. D. THURSTON, *Treasurer.*

HOULTON BRANCH RAILROAD.

Consolidated European and North American Railway Company, by
L. S. G. K. JEWETT, *President*.
N. WOODS, *Treasurer*.

Signed, sealed in presence of
CHARLES P. STETSON.

State of Maine, Penobscot, ss. June 11, 1873.

Personally appeared the above name Isaiah Stetson and Geo. K. Jewett, and severally acknowledged the above instrument to be the free act and deed of the Bangor and Piscataquis Railroad Company, and the free act of the European and North American Railway Company.

Before me,
CHARLES P. STETSON, *Justice of the Peace*.

THE HOULTON BRANCH RAILROAD
COMPANY.

This branch is a continuation of the New Brunswick and Canada Railway from Debec station in New Brunswick to Houlton, eight miles, about three miles of it being in this State. The road was opened in 1870.

LAWS OF 1867, CHAP. 216.

An act to incorporate the Houlton Branch Railroad Company.

Be it enacted, &c. SECT. 1. James C. Madigan, George B. Page, Ebenezer Woodbury, Leonard Pierce, Rufus Mansur, Benjamin L. Staples, A. P. Heywood, Charles P. Tenney, S. H. Hussey, Almon H. Fogg, Theodore Carey, Francis Barnes and Charles M. Herrin, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Houlton Branch Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law or in equity, to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted, and to prevent all invasion thereof, or interrup-

Corporators.

Name, powers, duties, &c.

tion in exercising and performing the same. And the said corporation is hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair, a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the town of Houlton to some point on the east line of the State. And said corporation shall be and hereby is invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein set forth. And for this purpose, said corporation shall have the right to take and hold, or to purchase, so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and shall also have the right to take, remove and use, for the construction and repair of said road and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken; *provided however*, the land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation and embankment. *And provided also*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the respective owner or owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Aroostook, in the same manner and under the same conditions as are by law provided in the case of laying out highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such lands and other property; and in case said railroad shall pass through any woodland or forests, the said company shall have the right to remove or fell any of the trees standing thereon within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad, by

Purpose and location.

Rights as to land, &c., for construction of road.

Limit of width

Land damage how and by whom determined.

How held and limit as to application.

Removal of trees and compensation therefor.

Provisions of
chap. 51, R. S.,
and chap. 36,
Public Laws
1858, made
applicable
hereto.

paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of the other damages recovered in this act. And furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided respecting railroads in chapter fifty-one of the revised statutes, not inconsistent with the express provisions of this charter, and subject also to all the provisions of chapter thirty-six of the laws of eighteen hundred fifty-eight, relating to the safety and convenience of travellers on railroads.

Capital.

Government.

Officers.

Organization.

By-laws.

Powers of offi-
cers as to loca-
tion, construc-
tion, transpor-
tation and gen-
eral manage-
ment.

SECT. 2. The capital stock of said corporation shall consist of not less than two hundred and fifty shares, nor more than one thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall be a quorum for the transaction of business; and they shall elect one of their number to be president of the board, and he shall be also president of the corporation, and shall have authority to choose a clerk, and a treasurer who shall give bonds to the corporation in the sum of ten thousand dollars for the faithful discharge of his trust. And any ten of the persons named in the first section of this act are hereby authorized at a meeting holden for that purpose, with or without notice, to accept this act and organize the said corporation.

SECT. 3. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority

for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided however*, that no assessments shall be laid upon any share in said corporation of a greater amount, in the whole, than one hundred dollars.

Assessments,
by whom and
how made.

Sale of shares
for non-pay-
ment of assess-
ments, how
made, and reg-
ulations as to
same.

Limit of
assessments.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the direction of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Tolls.

Transportation
rolling stock,
&c.

SECT. 6. The annual meeting of the members of said corpor-

Meetings

ation shall be holden on the first Monday of November, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor, by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation, by their by-laws, shall direct.

Connections,
lease, &c.

SECT. 7. The corporation is hereby invested with power to make connections with any other road or roads, and on such terms as the members may deem expedient and proper; and it is hereby authorized to lease the road, either before or after it shall have been completed, on such terms and for such time as the members, at a meeting regularly called for that purpose, shall determine. *Approved February 6, 1867.*

LAWS OF 1867, CHAP. 287.

An act to authorize the town of Houlton to aid in the construction of the Houlton Branch Railroad.

Town may loan
credit.

Limit and con-
ditions of same.

Be it enacted, &c. SECT. 1. The town of Houlton is hereby authorized to loan its credit to the Houlton Branch Railroad Company, in aid of the construction of their railroad, in a sum not to exceed fifty thousand dollars, upon their compliance with the following terms and conditions; *provided however*, that this act shall not take effect, unless and until the same shall have been accepted by a vote of the directors of the railroad company within three years after its approval by the governor; and also within the same time by a vote of the legal voters of said town, taken in a public town meeting, called by the selectmen for that purpose, and at least two-thirds of the votes cast at such meeting shall be necessary for the acceptance of this act.

Scrip of town,
when and how
payable, &c.

SECT. 2. Upon the acceptance of this act as aforesaid, the selectmen of the town shall certify the same to the town treasurer, and he shall issue to the directors of said company, to be expended in the construction and furnishing of said road, and

the purchase of the right of way, the scrip of said town, payable to the holder thereof, at the expiration of twenty years from date, with coupons for interest attached, payable annually, to the amount of ten thousand dollars, in sums of one hundred dollars each; said scrip to be countersigned by the selectmen before issue. And as the road shall progress towards completion, and in accordance with the judgment of the selectmen of said town, for the time being, the town treasurer may make further issue of said town scrip, countersigned by the selectmen, to the directors of said company, in suitable and convenient sums to the amount the town shall have decided to loan, payable in like manner as the first amount of issue.

SECT. 3. Concurrent with the issue and delivery of the town scrip as aforesaid, and at such several times as such scrip may be issued, the president and directors of said company, in their official capacity, shall execute and deliver to the then treasurer of said town the bond of said company, the penal sum of said bond to be double the amount of the scrip authorized or determined to be issued at that time; said bond shall be made payable to the inhabitants of said town, and shall be conditioned that said company will duly pay the interest on such scrip of said town as shall be issued at the time of the date of the bond respectively; and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the inhabitants of said town on account of the issue of the same. The president and directors of said company shall also, simultaneously with the issue of said scrip by said town, make, execute and deliver to the then town treasurer, the scrip of said company payable to the holder thereof, at the same time and to the same amount as the scrip then issued by said treasurer to said company, with like coupons for interest attached, which scrip shall be held by said town as collateral security for the fulfilment of the conditions of said bond, and in default of any one of said conditions, said town may, from time to time, sell said scrip, or any portion thereof, by public auction, or auctions, in the cities of Bangor, Portland, Boston or New York, or either of them, after sixty days' notice in writing to the president, or one of the directors, or any three of the stockholders

Bond of corporation and conditions of same.

Scrip of corporation, how issued, held, and in default conditions disposed of.

of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on said bonds.

Mortgage, how executed and conditions of same.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty, in their official capacity, upon the several receipts of said town scrip, and upon the delivery of each of said bonds to said town to secure the payment of the same, to execute and deliver to said inhabitants in the person of their treasurer, a mortgage without prior incumbrance, unless it be a preceding mortgage to said town, of said Houlton Branch Railroad, and of all the property, real and personal of said company, including the franchise thereof. Said mortgage shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure the said town a fulfilment of the conditions in said bond contained.

Foreclosure of same, how and when made.

SECT. 5. For the purpose of foreclosing said mortgage for condition or conditions broken, it shall be sufficient for the then selectmen and treasurer of said town to give notice, according to the mode prescribed in the statutes of this State for the foreclosure of mortgages, by publication of notice thereof, which may be published in any newspaper printed in the county of Aroostook, or in the city of Bangor, and a record thereof may be made within thirty days after the date of the last publication, in the registry of deeds of Aroostook county, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years, if all the conditions shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchise aforesaid, absolute in the inhabitants of said town.

Possession of road and franchise, how taken and held by town.

SECT. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the inhabitants of said town, by their municipal officers may take actual possession, in the manner hereinafter provided,

of said railroad and of all the property, real and personal, of the company, and of the franchise thereof, and may hold the same, and apply the income thereof, to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiency shall be fully made up and discharged. A written notice signed by the then selectmen and treasurer of said town, and served upon the president or treasurer, or any director of said company, or if there be none such, upon any stockholder of the company, stating that the inhabitants of said town thereby take actual possession of said railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same for the purposes aforesaid to said inhabitants, and shall enable them to hold the same against any other claims thereon, until such purposes have been fully accomplished.

SECT. 7. All moneys received by or for the said railroad company, after notice aforesaid, from any source whatever, and by whomsoever the same shall be received, shall belong to, and be held for, the use and benefit of the inhabitants of said town, in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the treasurer of said town, which payment shall be an effectual discharge from all claims of the company therefor. All moneys received by the treasurer of the company after such notice, or in his hands at the time such notice may be given, shall be by him paid to the town treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the service of the officers of the company, and for necessary repairs. Such payments to the town treasurer shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid, and any person who shall pay or apply any moneys received as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered, in an action for money had and received, in the name of the treasurer of said town, whose duty it shall be to sue for the same, to be by him held and applied as herein required.

Moneys accruing to road after notice of possession, how taken, held and applied.

Reservation for expenses and regulations as to time of payments.

Suits, injunctions, &c.
Powers of S. J. C. relating to same.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the selectmen and treasurer of said town may cause a suit in equity to be instituted in the name of the inhabitants of Houlton, in the supreme judicial court in the county of Aroostook, against said company, directors, or any other person necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction, or any other suitable process on any such bill in vacation, or in term time, with or without notice; and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Government of road after notice of possession by town.

SECT. 9. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof or any other necessary officers, or none such shall be found, the selectmen and treasurer of said town shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers; and the persons so appointed shall have all the power and authority of officers chosen, or appointed or selected, under the provisions of the act establishing such company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

Liens, how created and enforced.

SECT. 10. As an additional or cumulative protection for said town, all liabilities which may be assumed or incurred by said town under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said town a lien on said railroad, its franchise and all its appendages, and all real and personal property of said railroad corporation; which lien shall have preference, and be prior to all other liens and incumbrances whatever, on said road, and all the other property of said railroad corporation; and said lien shall be enforced, and all the rights and interests of said town shall be protected, when necessary, by suitable legal process, or by suitable and proper judgments, injunctions or decrees of said supreme judi-

ial court on a bill, or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided that the said lien, provided for in this section, shall not be deemed waived or ineffectual by the acceptance, on the part of the inhabitants of said town or their proper officers, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

SECT. 11. If at any time the president and directors of said company deem it expedient or necessary, for the purpose of equipping, constructing or managing said railroad, to assign its charter, with all its property, real or personal, and the rights and interests under it, or pertaining thereto, or to grant or lease the use of said road to any other party, parties, or railroad company with which it may in any way be connected or interested, they are hereby empowered to execute and deliver such transfers, leases or conveyances as may be necessary for the accomplishment of such purpose; *provided however*, that all loans or advances made by said town be first amply secured, guarantied or paid to such town, and that the inhabitants thereof shall first assent to such grant, assignment, transfer or lease, by a two-thirds vote, at a meeting regularly called by the selectmen for that purpose.

Leases and sale,
how and by
whom made.

Proviso as to
same.

SECT. 12. Said town may at any time assign, lease or wholly transfer all its right, title and interest in said railroad, and in the title, property and appendages thereof, upon receipt of satisfactory indemnification, security or payment for all loans, advances or indebtedness made or incurred on account of said railroad or company; *provided* the inhabitants thereof shall first so determine at a meeting duly called for the consideration of said question.

Transfer of title
and interest of
town in road,
how made and
conditions of
same.

SECT. 13. This act shall take effect when approved by the governor. *Approved February 18, 1867.*

THE KNOX AND LINCOLN RAILROAD COMPANY

extends from Bath to Rockland, forty-eight and one-half miles. It was opened for regular trains Nov. 6, 1871. It was first chartered by the name of the Penobscot and Kennebec Railroad Company. It was subsequently changed to Penobscot, Lincoln and Kennebec Railroad, and in 1864 the name was changed to Knox and Lincoln Railroad Company.

PENOBSCOT AND KENNEBEC RAILROAD COMPANY.

LAWS OF 1849, CHAP. 287.

An act to establish the Penobscot and Kennebec Railroad Company.

Be it enacted, &c. SECT. 1. That Iddo K. Kimball, Henry C. Lowell, Henry Ingraham, Francis W. Rhoades, James Seavey, Henry E. Ingraham, Thomas W. Hix, Joseph C. Libbey, John Wakefield, Heman P. Harden, Ezekiel Perry, Freeman Harden, Charles W. Snow, Elkana S. Smith, John C. Cochran, Cyrus Cotter, William Hitchcock, Joseph Day, Henry Mellus, Rufus Flye, John R. Coffin, Jacob L. Shuman, Jacob Chapman, Benjamin Chapman, Abner Stetson, William Curtis Daniel Day, Isaac Pool, Benjamin D. Metcalf, James B. Hall, Thomas J. Merrill, Nathaniel Clapp, William Hall, Edwin Flye, David W. Chapman, Horace Hatch, Thatcher T. Wales, Thomas Hall, E. Wilder Farley, Albert Glidden, Joseph Stetson, John Glidden, Edward A. Glidden, James Hovey, Joseph Clark, John Sider, James R. Groton, Isaac Reed, Bela B. Haskell, Frederick Castner, George D. Smouse, Knott Crockett, Iddo Kimball, John Spear, Edward Robinson, Benjamin Carr, Edward O'Brien, William Singer, Moses R. Ludwig, Charles Holmes, Joseph Hewett, Atwood, Levensaler, Rufus C. Couch, Edwin Smith, Amos H. Hodgman, Peter Fuller, Manasseh H. Smith, Richard H. Tucker, John D.

Corporators.

cCrate, Alexander Johnson, Franklin Clark, Samuel E.
 nith, John Johnston, Benjamin F. Tallman, Willard McGown,
 mes Erskine, Henry Tallman, Thomas D. Robinson, Joseph
 wall, Jacob Smith, William D. Sewall, George F. Patten,
 hn Patten, James Patten, Levi Houghton, Freeman Clark,
 hn Henry, Allen Lewis, Thomas Hodgdon, John Reed,
 avid C. McGown, James McLellan, John G. Richardson,
 harles Crocker, William D. Crockett, William McLoon,
 eorge Thorndike, Hiram Chapin, Thomas O'Brien, Thomas
 errill, Josiah Winslow, Snow Winslow, Joshua Beuner,
 aac Umberhind, James Genthner, their associates, successors,
 and assigns, are hereby made and constituted a body politic
 and corporate, by the name of the "Penobscot and Kennebec
 Railroad Company;" and by that name may sue and be sued,
 lead and be impleaded, and shall have and enjoy all proper
 remedies at law and in equity to secure and protect them in the
 exercise and use of the rights and privileges and in the per-
 formance of the duties hereinafter granted and enjoined; and
 prevent all invasion thereof or interruption in exercising
 and performing the same. And the said corporation are
 hereby authorized and empowered to locate, construct, and
 ally complete, alter, and keep in repair a railroad with one
 more sets of rails or tracks, with all suitable bridges, tun-
 ls, viaducts, turnouts, culverts, drains and all other necessary
 pendages, from some point at or near tide waters in the town
 East Thomaston, running westwardly and southwardly
 ough said town, and through the county of Lincoln to the
 ennebec river at some point opposite the city of Bath. Said
 road to be located and constructed on such route, as the
 ectors of said corporation in the exercise of their best judg-
 nt or discretion shall judge most favorable, and best calcu-
 ed to promote the public convenience and carry into effect
 intentions and purposes of this act; and the said corpora-
 n shall be and are hereby invested with all the powers,
 vileges and immunities, which are or may be necessary to
 ry into effect the purposes and objects of this act as herein
 forth; and for this purpose said corporation shall have the
 ht to purchase, or take and hold so much of the land and

Corporate
name.

Authorized to
locate and con-
struct a rail-
road.

Route.

Powers, &c.

May take lands for location and purposes of construction.

Proviso as to width of track, and payment for lands so taken.

Land damages, how determined, &c.

Limit as to time for application for estimate of damages.

Provisions as to removal of trees.

Subject to provisions of chap. 81, Rev. Stat.

Damages for taking land of infant, &c.

other real estate of private persons and corporation be necessary for the location, construction and operation of said railroad; and they shall also have to take, remove and use for the construction and said railroad and appurtenances, any earth, gravel, sber or other materials on or from the lands so taken; *however*, that said land so taken shall not exceed si width, except where greater width is necessary for th of excavation or embankment; and *provided, also* all cases said corporation shall pay for such estate or so taken and used, such price as they and the owner may mutually agree upon; and in case said parties otherwise agree then said corporation shall pay such as shall be ascertained and determined by the county sioners for the county in which such land or other may be situated, in the same manner and under the conditions and limitations as are by law provided in th damages by laying out of highways; and the land so said corporation shall be held as lands taken and app for public highways; and no application to said comi to estimate said damages shall be sustained unless ma two years from the time of taking such land or of erty; and in case such railroad shall pass through a lands or forests, the said company shall have the rig or remove any trees standing therein, within four roo road, which by their liability to be blown down or f natural falling might obstruct or impair said road, l a just compensation therefor, to be recovered in the s ner as is provided for the recovery of other damage act; and furthermore, said corporation shall have all ers, privileges, and immunities, and be subject to all and liabilities provided and prescribed respecting rai chapter eighty-one of the revised statutes, not inc with the express provisions of this act.

SECT. 2. When said corporation shall take any lan property as aforesaid, of any infant, person *non comp* or feme covert whose husband is under guardian guardian of such infant, or person *non compos m*

such feme covert with the guardian of her husband, shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than twenty thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in seven directors who shall be chosen by the members of said corporation in the manner hereinafter provided; and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction and acceptance of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SECT. 5. The president and directors for the time being, are hereby authorized, and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said road, and for the transportation of persons, goods and property of all descriptions; and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and all other necessary things, in the name of the corporation for the use of said railroad, and for the

How paid.

Capital.

Government.

Tenure of office.

Officers and their bonds.

By-laws and regulations.

Powers of president and directors in location, construction, transportation, &c.

Purchase of lands and other property.

May take lands for location and purposes of construction.

Proviso as to width of track, and payment for lands so taken.

Land damages, how determined, &c.

Limit as to time for application for estimate of damages.

Provisions as to removal of trees.

Subject to provisions of chap. 81, Rev. Stat.

Damages for taking land of infant, &c.

other real estate of private persons and corporations as be necessary for the location, construction and conv operation of said railroad; and they shall also have the to take, remove and use for the construction and rep said railroad and appurtenances, any earth, gravel, stone or other materials on or from the lands so taken; *pro however*, that said land so taken shall not exceed six r width, except where greater width is necessary for the p of excavation or embankment; and *provided, also*, t all cases said corporation shall pay for such estate or ma so taken and used, such price as they and the owners t may mutually agree upon; and in case said parties sha otherwise agree then said corporation shall pay such da as shall be ascertained and determined by the county co sioners for the county in which such land or other pr may be situated, in the same manner and under the sam ditions and limitations as are by law provided in the c damages by laying out of highways; and the land so tal said corporation shall be held as lands taken and approp for public highways; and no application to said commiss to estimate said damages shall be sustained unless made two years from the time of taking such land or other erty; and in case such railroad shall pass through any lands or forests, the said company shall have the right or remove any trees standing therein, within four rods o road, which by their liability to be blown down or from natural falling might obstruct or impair said road, by a just compensation therefor, to be recovered in the same ner as is provided for the recovery of other damages i act; and furthermore, said corporation shall have all the ers, privileges, and immunities, and be subject to all the and liabilities provided and prescribed respecting railro chapter eighty-one of the revised statutes, not incon with the express provisions of this act.

SECT. 2. When said corporation shall take any land or property as aforesaid, of any infant, person *non compos m* or feme covert whose husband is under guardianship guardian of such infant, or person *non compos ment*

such feme covert with the guardian of her husband, shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than twenty thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in seven directors who shall be chosen by the members of said corporation in the manner hereinafter provided; and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction and acceptance of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SECT. 5. The president and directors for the time being, are hereby authorized, and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said road, and for the transportation of persons, goods and property of all descriptions; and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and all other necessary things, in the name of the corporation for the use of said railroad, and for the

How paid.

Capital.

Government.

Tenure of office.

Officers and their bonds.

By-laws and regulations.

Powers of president and directors in location construction, transportation, &c.

Purchase of lands and other property.

Assessments on
shares.

Shareholders,
how notified,
and penalty for
neglect of pay-
ment.

Proviso.

Toll.

Transportation
of passengers,
merchandise,
&c., from other
roads.

transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time, on the shares in said corporation, as they may deem expedient; and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided however* that no assessment shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars.

SECT. 6. A toll is hereby granted and established for the benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said road, at such rates as may be agreed on and established from time to time by the directors of said corporation; the transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights and loads, and all other matters and things in relation to the use and operation of said road, shall be in conformity with such rules, regulations, and provisions, as the directors shall from time to time prescribe, order and direct.

SECT. 7. Said corporation shall receive and transport persons, goods, and property of all descriptions, which may be carried or transported to the railroad of said corporation, and such other railroads as may be authorized to be connected therewith, at the same rates of toll and freight as may be

by said corporation; so that the rates of toll and on such passengers, goods, and other property, as may be levied from such other railroads so connected with said corporation as aforesaid, shall not exceed the general rates of toll and toll on said railroad received for freight and passengers at any of the depots of said corporation.

8. If the said railroad in the course thereof shall cross any private way, the said corporation shall so construct said road as not to obstruct the safe and convenient use of said private way. And if the said railroad shall in the course thereof cross any canal, turnpike, railroad or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway, and the said corporation shall have power to raise or lower such turnpike, highway or private way so that the railroad may conveniently pass under or over the same, and erect such gate or gates as may be necessary for the safety of travellers thereon; and said corporation shall constantly maintain in good repair, all bridges with their approaches, cuts, and embankments, which they may construct for the purpose of conducting their railroad over any canal, highway, or private way, or for conducting such canal, highway or private way over said railroad.

Not to obstruct safe and convenient use of any private way, canal, &c.

To maintain in good repair all bridges, &c.

9. If said road shall in the course thereof cross any navigable rivers, streams or ponds, the said corporation are hereby authorized and empowered to erect for the use and exclusive travel on their said railroad a bridge or draw across each of said rivers, streams, ponds or any such waters: *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct, or impede the navigation of said waters.

Bridges and draws over tide waters authorized.

Proviso.

10. Said corporation shall erect and maintain substantial and sufficient fences on each side of the land taken for their railroad, when the same passes through cultivated or improved lands; and for any unreasonable neglect to erect and maintain such fence, said corporation shall be liable to be indicted in the district court, in the county where such fence shall be insufficient, and be fined in such

Fences to be erected.

Penalty for neglect.

May take lands for location and purposes of construction.

Proviso as to width of track, and payment for lands so taken.

Land damages, how determined, &c.

Limit as to time for application for estimate of damages.

Provisions as to removal of trees.

Subject to provisions of chap. 81, Rev. Stat.

Damages for taking land of infant, &c.

other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the lands so taken; *provided, however,* that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and *provided, also,* that in all cases said corporation shall pay for such estate or materials so taken and used, such price as they and the owners thereof may mutually agree upon; and in case said parties shall not otherwise agree then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county in which such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for public highways; and no application to said commissioners to estimate said damages shall be sustained unless made within two years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods of said road, which by their liability to be blown down or from their natural falling might obstruct or impair said road, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act; and furthermore, said corporation shall have all the powers, privileges, and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this act.

SECT. 2. When said corporation shall take any land or other property as aforesaid, of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and

each feme covert with the guardian of her husband, shall have all power and authority to agree and settle with said corporation, for damages or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than twenty thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in seven directors who shall be chosen by the members of said corporation in the manner hereinafter provided; and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction and acceptance of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SECT. 5. The president and directors for the time being, are hereby authorized, and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said road, and for the transportation of persons, goods and property of all descriptions; and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and all other necessary things, in the name of the corporation for the use of said railroad, and for the

How paid.

Capital.

Government.

Tenure of office.

Officers and their bonds.

By-laws and regulations.

Powers of president and directors in location, construction, transportation, &c.

Purchase of lands and other property.

Assessments on
shares.

Shareholders,
how notified,
and penalty for
neglect of pay-
ment.

Proviso.

Toll.

Transportation
of passengers,
merchandise,
&c., from other
roads.

transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided however*, that no assessment shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported by them upon said road, at such rates as may be agreed on and established from time to time by the directors of said corporation; the transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to the use, and operation of said road, shall be in conformity with such rules, regulations, and provisions, as the directors shall from time to time prescribe, order and direct.

SECT. 7. Said corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried or transported to the railroad of said corporation, on such other railroads as may be authorized to be connected therewith, at the same rates of toll and freight as may be pre-

of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers, published in the city of Bath and the town of East Thomaston, and such other towns or cities as they may appoint, of the time and place and the purposes of such meeting, at least twenty days before the time named in such notice.

First meeting,
how called.

SECT. 20. And for the purpose of receiving subscriptions to the capital stock of said railroad, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Bath and the town of East Thomaston, and in such towns and cities, elsewhere, as they shall appoint, to remain open at least ten successive days, of which times and places of subscription public notice shall be given, in some newspaper published in the city of Bath and the town of East Thomaston, and such other places as they shall direct, twenty days at least, previous to the opening of said books of subscription; and in case the amount subscribed shall exceed twenty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the books of subscription shall, before the opening thereof, prescribe and determine. *Approved August 13, 1849.*

Stock, subscrip-
tion book to be
opened, &c.

Notice of time
and place to be
given.

Shares to be
distributed.

LAWS OF 1849, CHAP. 294.

An act to change the name of the Penobscot and Kennebec Railroad Company.

Be it enacted, &c. That the name of the Penobscot and Kennebec Railroad Company, is hereby changed so as to read "Penobscot, Lincoln and Kennebec Railroad Company," and an act entitled "an act to incorporate the Penobscot and Kennebec Railroad Company," passed at the present session of the legislature, is hereby amended accordingly. *Approved August 15, 1849.*

LAWS OF 1856, CHAP. 563.

An act to extend the time for filing the location of the Penobscot, Lincoln and Kennebec Railroad Company, and building the same.

Be it enacted, &c. A further time of five years from the

sum as shall be adjudged necessary to erect or repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

To keep road in good repair with suitable rolling stock.

Lien for toll.

Proviso.

SECT. 11. Said corporation, after they shall commence receiving tolls, shall be bound at all times, to have said railroad in good repair, and a suitable number of carriages and vehicles for the transportation of persons and property, together with the necessary locomotives or engines therefor, and shall be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered; and a lien is hereby created on all articles transported for said tolls. And the said corporation fulfilling on its part all and singular the several obligations and duties, by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or property, to pass over said railroad, other than its own, furnished and provided for that purpose as herein enjoined and required; *provided, however*, that said corporation shall be under obligations to transport over said road, the passenger and other cars of any other incorporated company, whose road may be connected with that hereby authorized, such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll and all other things enumerated, provided and enjoined in said sections.

To carry U. S. mail.

Compensation.

SECT. 12. The said corporation shall, at all times when the postmaster general shall require it, be holden to transport the United States mails from and to such place or places on said road as required, for a fair and reasonable compensation; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and the said corporation shall be bound thereby.

Malicious injury of road how punished.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage, car, locomotive, engine or other vehicle on said railroad,

or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction, or for the use of said road, he, she or they, or any person or persons, aiding, assisting, or abetting such trespass, shall forfeit and pay to said corporation, for any such offence, treble such damages, as shall be proved before the justice, court, or jury, before whom the trial shall be had ; to be sued for before any justice or any court of competent jurisdiction, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation ; and such offender or offenders shall be liable to indictment, by the grand jury of the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and upon conviction thereof, before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a time, not exceeding five years, at the discretion of said court.

SECT. 14. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts ; and the books of said corporation shall be open to the inspection at all times, of the governor and council, and any committee duly authorized by the legislature ; and at the expiration of every year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said road.

Books of account to be open to governor and council.

SECT. 15. All the real and personal estate purchased by said corporation for the use of the same, shall be deemed personal estate, and the shares owned by the respective stockholders in said corporation, shall be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to twelve per cent. per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature ; from and after which time, one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad accruing thereafter, over and above twelve

Taxation of real and personal estate.

When net income exceeds 12 per cent., a portion of overplus to accrue to the State.

No other tax to be levied.

Annual meeting.

Directors, how chosen.

Votes.

Special meetings.

Power of legislature to inquire into doings of said corporation.

per centum, per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax into the treasury of the State, for the use of the State; and the State may have and maintain an action against said corporation therefor, to recover the same, but no other tax than herein is provided shall be levied or assessed on said corporation, or any of their privileges, property or franchises.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the first Monday of September, or on such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, by giving such notice as the corporation, by their by-laws shall direct.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises, herein and hereby granted, may have been used and employed by said corporation; and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

SECT. 18. If the said corporation shall not have been organized, and the location of the route of said railroad, according to actual survey filed with the county commissioners of the county of Lincoln, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-six, or if said corporation shall fail to complete said railroad, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-three, in either of the above mentioned cases, this act shall be null and void.

SECT. 19. Any seven of the persons named in the first section

of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers, published in the city of Bath and the town of East Thomaston, and such other towns or cities as they may appoint, of the time and place and the purposes of such meeting, at least twenty days before the time named in such notice.

First meeting,
how called.

SECT. 20. And for the purpose of receiving subscriptions to the capital stock of said railroad, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Bath and the town of East Thomaston, and in such towns and cities, elsewhere, as they shall appoint, to remain open at least ten successive days, of which times and places of subscription public notice shall be given, in some newspaper published in the city of Bath and the town of East Thomaston, and such other places as they shall direct, twenty days at least, previous to the opening of said books of subscription; and in case the amount subscribed shall exceed twenty thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the books of subscription shall, before the opening thereof, prescribe and determine. *Approved August 13, 1849.*

Stock, subscrip-
tion book to be
opened, &c.

Notice of time
and place to be
given.

Shares to be
distributed.

LAWS OF 1849, CHAP. 294.

An act to change the name of the Penobscot and Kennebec Railroad Company.

Be it enacted, &c. That the name of the Penobscot and Kennebec Railroad Company, is hereby changed so as to read "Penobscot, Lincoln and Kennebec Railroad Company," and an act entitled "an act to incorporate the Penobscot and Kennebec Railroad Company," passed at the present session of the legislature, is hereby amended accordingly. *Approved August 15, 1849.*

LAWS OF 1856, CHAP. 563.

An act to extend the time for filing the location of the Penobscot, Lincoln and Kennebec Railroad Company, and building the same.

Be it enacted, &c. A further time of five years from the

Time for organization and filing location, &c., extended.

thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-six, is allowed to the Penobscot, Lincoln and Kennebec Railroad Company, in which to organize said company, and file its location in the several counties through which it may pass; and a further time of five years in which to complete said railroad, beyond the time now allowed therefor by its charter. *Approved February 20, 1856.*

LAWS OF 1861, CHAP. 99.

An act to extend the time for filing the location and building of the Penobscot, Lincoln and Kennebec Railroad.

Organization and time of filing location extended five years.

Be it enacted, &c. A further time of five years from the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, is allowed to the Penobscot, Lincoln and Kennebec Railroad Company, in which to organize said company and file its location in the several counties through which it may pass; and a further time of five years in which to complete said road beyond the time now allowed by the act of February twentieth, in the year of our Lord one thousand eight hundred and fifty-six. *Approved March 15, 1861.*

Completion, time of, extended five years.

LAWS OF 1864, CHAP. 370.

An act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company.

Corporate name changed.

Be it enacted, &c. SECT. 1. The name of said corporation is hereby changed so as to read Knox and Lincoln Railroad Company.

Authorized to construct road.

Location.

SECT. 2. Said railroad company is hereby authorized to construct its road from some point at or near tide water in the city of Rockland, through the counties of Knox and Lincoln, to a point on the west side of the Kennebec river between the south line of Bath and the north line of Richmond, and to connect with the Portland and Kennebec Railroad, and may construct bridges with suitable draws therein, as may be prescribed by the board of railroad commissioners, over any tide waters on the line of said road.

the vote thereof. While in their possession, said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. If the failure to pay said coupons or bonds shall continue for the space of twenty full years after possession shall have been taken under the mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company.

Road, how
operated.

If failure to
pay coupons or
bonds, shall
continue, &c.

—mortgage
shall be fore-
closed.

SECT. 7. Said railroad company or said managers when said railroad is in their possession as aforesaid, may contract with any other railroad company or other parties to operate said road or may lease the same for a term of years; *provided* however, any contract for operating said road or for the lease thereof by said managers, shall terminate when the possession of the road shall be restored to said company in manner as before provided.

May contract
to operate or
lease road.

Proviso.

SECT. 8. The bonds herein authorized to be issued, shall be signed by the mayor and treasurer of cities, and one of the selectmen and treasurer of the towns issuing them, and countersigned by the president of said railroad company, and shall contain endorsement, *Issued for the benefit of the Knox and Lincoln Railroad Company by the——of——.*

Bonds, how
authenticated.

SECT. 9. The time allowed in the acts to which this is additional for commencing and completing said railroad is hereby extended seven years.

Time for com-
pleting road,
extended.

SECT. 10. In case the Wiscasset and Kennebec Railroad Company shall construct its road from Wiscasset to Richmond, Bowdoinham or Bath, within two years from the time this act shall take effect, it shall be lawful for the Knox and Lincoln Railroad Company to connect its road therewith at Wiscasset, and all the rights, privileges and immunities herein granted to the Knox and Lincoln Railroad Company, shall be enjoyed by the Wiscasset and Kennebec Railroad Company in the construction of its road from Wiscasset to its connection with the Portland and Kennebec Railroad. *Approved March 21, 1864.*

Authorized to
connect with
Wiscasset and
Kennebec
Railroad Co. at
Wiscasset.

Rights,
privileges, &c.

—meeting of the municipal officers of the cities, &c., may be called.

—notice of, how given.

—how organized.

—if failure to pay continues.

—may choose board of managers.

—how organized.

—authorized to take possession of road, &c.

Powers, duties, &c.

—term of office.

—shall make report of doings, &c.

—meeting, how called.

Managers when to surrender road, &c.

Managers, how elected, &c.

said failure shall continue for the space of sixty days after demand shall have been made on the treasurer therefor, it shall be lawful for the municipal officers of any city or town whose bonds or coupons shall have thus been dishonored, to call a meeting of the municipal officers of the cities and towns named in said mortgage, by publishing a notice of the time, place and object of said meeting, three weeks successively in some public newspaper printed in the counties of Knox or Lincoln, and if at such meeting, which shall be organized by the choice of a chairman and clerk, the latter to be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the municipal officers thus assembled may proceed to choose by ballot, a board of managers consisting of not more than nine members a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary and president, and may choose any other officers which under the charter and by-laws of said company, may be chosen by a board of directors, and said board of managers shall be authorized to take possession of said road and all its property and rights of property therewith connected, and operate the same, and shall have all the powers and be subject to all the duties and liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others are chosen in their stead. Said managers shall make a report of their doings and of the amount of money they have received and paid out on account of said railroad to a meeting of the municipal officers of the cities and towns aforesaid, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. When sufficient money has been received by said board over and above what is necessary to pay the expenses for operating said road, including necessary repairs and improvements to pay all coupons and bonds then due and unpaid, it shall surrender said road with all its property and rights of property to said company. In the election of said board of managers, the municipal officers aforesaid shall be entitled to one vote for every hundred dollars in bonds issued by their respective cities or towns, and the major part of the municipal officers of each city or town shall control

the vote thereof. While in their possession, said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. If the failure to pay said coupons or bonds shall continue for the space of twenty full years after possession shall have been taken under the mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company.

Road, how
operated.

If failure to
pay coupons or
bonds, shall
continue, &c.

—mortgage
shall be fore-
closed.

SECT. 7. Said railroad company or said managers when said railroad is in their possession as aforesaid, may contract with any other railroad company or other parties to operate said road or may lease the same for a term of years; *provided* however, any contract for operating said road or for the lease thereof by said managers, shall terminate when the possession of the road shall be restored to said company in manner as before provided.

May contract
to operate or
lease road.

Proviso.

SECT. 8. The bonds herein authorized to be issued, shall be signed by the mayor and treasurer of cities, and one of the selectmen and treasurer of the towns issuing them, and countersigned by the president of said railroad company, and shall contain endorsement, *Issued for the benefit of the Knox and Lincoln Railroad Company by the——of——.*

Bonds, how
authenticated.

SECT. 9. The time allowed in the acts to which this is additional for commencing and completing said railroad is hereby extended seven years.

Time for com-
pleting road,
extended.

SECT. 10. In case the Wiscasset and Kennebec Railroad Company shall construct its road from Wiscasset to Richmond, Bowdoinham or Bath, within two years from the time this act shall take effect, it shall be lawful for the Knox and Lincoln Railroad Company to connect its road therewith at Wiscasset, and all the rights, privileges and immunities herein granted to the Knox and Lincoln Railroad Company, shall be enjoyed by the Wiscasset and Kennebec Railroad Company in the construction of its road from Wiscasset to its connection with the Portland and Kennebec Railroad. *Approved March 21, 1864.*

Authorized to
connect with
Wiscasset and
Kennebec
Railroad Co. at
Wiscasset.

Rights,
privileges, &c.

LAWS OF 1866, CHAP. 63.

An act additional to "an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company."

Ch. 370, special laws 1864, amended.

Change of time.

Be it enacted, &c. The act approved March twenty-first, eighteen hundred and sixty-four, entitled "an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company," to which this is additional, shall be and hereby is amended in the tenth section thereof, by striking out the "words, within two years from the time this act shall take effect" and inserting in place thereof the words, *before the thirty-first day of December, which shall be in the year of our Lord one thousand eight hundred and seventy. Approved February 9, 1866.*

LAWS OF 1867, CHAP. 226.

An act to amend an act entitled "an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company," approved March twenty-one, eighteen hundred and sixty-four.

Amendment.

Be it enacted, &c. SECT. 1. The third section of said act is hereby amended by inserting in the thirteenth line thereof, after the word "dollars," the words, *Bath six hundred thousand dollars.*

SECT. 2. This act shall take effect when approved by the governor. *Approved February 6, 1867.*

LAWS OF 1867, CHAP. 255.

An act to authorize the Kennebec and Wiscasset Railroad Company to unite with the Knox and Lincoln Railroad Company.

Consolidation, time and condition of same.

Corporate name when united.

Be it enacted, &c. SECT. 1. The Kennebec and Wiscasset Railroad Company is hereby authorized to unite its road, when wholly or in part constructed, with the road of the Knox and Lincoln Railroad Company, at any time after the last named road shall be wholly or in part constructed, upon such terms and conditions as may be mutually agreed by said companies; and when said companies are thus united, they shall constitute

one company, the corporate name of which shall be the Knox and Lincoln Railroad Company.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 12, 1867.*

LAWS OF 1867, CHAP. 369.

An act to amend an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company, approved March twenty-one, eighteen hundred and sixty-four.

Be it enacted, &c. SECT. 1. The third section of said act shall be, and hereby is, amended by adding at the end of said section the following words, to wit:—*provided however, that in case the Kennebec and Wiscasset Railroad Company and the Knox and Lincoln Railroad Company shall be united under the act for that purpose, approved February twelfth, eighteen hundred and sixty-seven, the amount of stock which has been, or shall be subscribed and actually paid in and expended in the construction of the Kennebec and Wiscasset Railroad may be taken to be and shall be considered as a part of said three hundred thousand dollars, so that said bonds may be issued by said several towns and cities and delivered to said corporation when said three hundred thousand dollars shall have been paid in and expended by both of said corporations.*

Chap. 370,
sect. 3, public
laws of 1864,
amended.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 27, 1867.*

LAWS OF 1867, CHAP. 386.

An act authorizing the town of Richmond to aid in the construction of the Knox and Lincoln Railroad.

Be it enacted, &c. SECT. 1. The act entitled “an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company,” approved March twenty-first, one thousand eight hundred and sixty-four, is hereby amended by inserting after the words “Wiscasset, one hundred and fifty thousand dollars,” the words *Richmond, one hundred and fifty thousand dollars.*

Chap. 370, special
laws of 1864,
amended.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

LAWS OF 1867, CHAP. 387.

An act to amend an act entitled "an act to amend former acts to incorporate the Penobscot, Lincoln and Kennebec Railroad Company, approved March twenty-first, eighteen hundred and sixty-four.

Loan of credit
by Bath and
Richmond con-
tingent upon
location for
western ter-
minus.

Be it enacted, &c. SECT. 1. That the aforesaid act be amended is hereby amended by adding to the third section of said act as follows:—*That the said city of Bath may loan its credit as provided in said third section of the said act, which is hereby amended, provided that the western terminus of the railroad mentioned in the aforesaid act, which is hereby amended shall be at said Bath; and that the town of Richmond be authorized to loan its credit in aid of said railroad to the amount of one hundred and fifty thousand dollars, provided that the western terminus of said railroad shall be in the said town of Richmond.*

Loan by Bath
to be effected by
ballot at legal
meeting of
qualified voters.

SECT. 2. That the qualified voters of said city of Bath, at legal meetings of said voters duly called and notified for the purpose according to the provisions of the charter of said city may by ballot vote to loan their credit as provided by the act hereby amended, anything therein to the contrary notwithstanding.

SECT. 3. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

LAWS OF 1867, CHAP. 395.

An act to exempt from taxation the capital stock of certain railroad companies for a term of years.

Companies
exempted, and
limit of
exemption.

Be it enacted, &c. SECT. 1. The shares of the capital stock of the Kennebec and Wiscasset Railroad Company, also the Knox and Lincoln Railroad Company, and also the Dexter and Newport Railroad Company, also the Belfast and Moosehead Lake Railroad Company, and also the Bangor and Piscataquis Railroad Company, are hereby exempted from taxation for the term of ten years from the time said railroads shall be

opened for travel; *provided however*, that said shares shall be entered from year to year on the assessment books and returned with the valuation of the several places in which said shares may be owned, for the purpose of making the State valuation. Proviso.

SECT. 2. This act shall take effect when approved by the governor. *Approved March 1, 1867.*

LAWS OF 1868, CHAP. 595.

An act to further amend "an act to establish the Penobscot and Kennebec Railroad Company," approved August thirteenth, eighteen hundred and forty-nine, and for other purposes.

Be it enacted, &c. SECT. 1. The third section of said act is hereby amended by striking the word "ten," before the word thousand, out of the second line thereof, and inserting the word "three" in its stead. Relating to number and value of shares.

SECT. 2. The acts and doings of the corporators and stockholders of said corporation, in the acceptance of said charter, and in the organization of said company, are hereby ratified and made valid. Acts and organization made valid.

SECT. 3. This act shall take effect when approved. *Approved February 29, 1868.*

LAWS OF 1869, CHAP. 91.

An act amending the charter of the Knox and Lincoln Railroad Company.

Be it enacted, &c. SECT. 1. The first clause in fifth line of section three, chapter two hundred and eighty-seven of the special laws of eighteen hundred and forty-nine, is hereby amended by striking out the word "seven," after the words "vested in," and inserting the words "not exceeding nine," so it shall read "be vested in not exceeding nine directors." Amended.

SECT. 2. This act shall take effect when approved. *Approved February 17, 1869.*

LAWS OF 1870, CHAP. 478.

An act additional to and to amend the acts incorporating the Knox and Lincoln Railroad Company.

Be it enacted, &c. SECT. 1. The Knox and Lincoln Rail-

Extension of
road authorized

Route.

Wharves, piers,
slips.

Boats and ma-
chinery.

May take land
and other real
estate.

Proviso.

road Company is hereby authorized to extend its road from the point where it strikes the eastern side of the Kennebec river, across said river to a point on the western side of said river, at or near the terminus of the Portland and Kennebec Railroad, by a ferry between the points aforesaid, to construct, maintain and extend into the tide waters of said river all necessary and convenient wharves, piers and slips for the use and accommodation of said ferry and the boats and business connected therewith, both on the east and west sides of said river, and to purchase, build, maintain and keep in repair all necessary and proper boats and machinery to perform the business of said company and to run the same at all hours of day and night. And for the purpose aforesaid said company shall have the right to purchase or take and hold, as for railroad purposes, so much of the land and other real estate of private persons or corporations, except the property of the Sagadahoc Ferry Company, as may be necessary and convenient for the location, construction and operation of said ferry; *provided however*, that said wharves, piers and slips shall be so constructed as not unnecessarily to impede or obstruct the navigation of said river.

Wharves.

SECT. 2. Said Knox and Lincoln Railroad Company is hereby authorized to build and maintain on the east side of said river, at and near the place where said road strikes said river, a wharf extending along said river a distance not exceeding six hundred feet and extending into said river a distance not exceeding two hundred and fifty feet beyond low water mark; and to build and maintain at and near the western terminus of said ferry, all such wharves, extending into tide waters, as may be prescribed or permitted by the municipal authorities of the city of Bath.

Bonds, coupons
and rate of
interest, &c.

SECT. 3. To aid in the construction and equipment of said Knox and Lincoln Railroad, and the ferry, piers, slips, wharves and boats aforesaid, said company is hereby authorized to issue its bonds to an amount not exceeding four hundred thousand dollars, in such amounts and payable at such times as said company may determine, with coupons for interest, at a rate not exceeding four per cent. semi-annually, and to sell

dispose of said bonds to the best possible advantage, or to the same as collateral security for money borrowed; mortgage all the property and rights of property of company, present and prospective, including its franchise, to pay such bonds and coupons as they shall become due, or convey all said property, rights of property and franchise by deed of trust to secure the payment of said bonds and coupons as they shall become due; *provided, however*, that said mortgage or deed of trust shall be made subject to all mortgages heretofore made by said company to the several cities and towns which have loaned their credit and issued bonds in aid of the construction and equipment of said

Mortgage of
property of
corporation.

Proviso.

ART. 4. In case said company shall fail to pay said second mortgage coupons as they become due or said second mortgage bonds at the maturity thereof, and said failure shall continue for the space of sixty days after demand shall have been made on the treasurer of said company therefor, or if there shall be no treasurer, upon any director of said company, any three holders of said bonds shall be authorized to call a meeting of the holders of said bonds by publishing a notice of the place and object of said meeting three weeks successively in the public newspaper printed in one of the counties of Knox, Lincoln or Sagadahoc; and if at such meeting, which shall be organized by the choice of a chairman and clerk, the clerk shall be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the holders of such bonds assembled may proceed to choose by ballot a board of managers, consisting of not more than nine members, a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary, who shall be duly sworn, and a clerk, and may choose any other officers which under the charter and by-laws of said company may be chosen by a majority of directors; and a written notice signed by the president and secretary of said managers, served upon the president, treasurer or any director of said company, stating that said managers take actual possession of the whole of said railroad and of all the property and rights of property, real and

Failure to pay
mortgage cou-
pons, proceed-
ings in case of.

Foreclosure of mortgage.

Managers to operate the road in their own name.

Earnings, how applied.

Report of doings of managers to be made once a year.

Payment of liabilities and surrender of road.

personal, of the company, and of the franchise thereof, for the purpose of foreclosing said second mortgage or deed of trust, shall terminate all right of said company to the possession or control of any of said property or franchise and shall be a legal transfer of all the same for the purpose aforesaid to said managers; and said managers shall be entitled to the actual possession of said road and all the property and rights of property and franchise of the said company, and to all needful or proper processes in law and equity to have, recover and retain such possession, and shall operate said road and shall have all the powers and be subject to all the liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others shall be chosen in their stead, except as hereinafter provided. In the election of said managers, said second mortgage bondholders shall be entitled to one vote for every one hundred dollars of such bonds held by them respectively; while in their possession said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. Said managers shall apply the net earnings of said road, first to the payment of the coupons of the bonds issued by said cities and towns as aforesaid, and of the principal thereof as it shall become due and payable, and the balance of such net earnings if any there shall be, to the payment of the coupons of said second mortgage bonds and of the principal thereof as the same shall become due and payable. Said managers shall make a report of their doings and of the amount of money they have received and expended on account of said railroad, to a meeting of the second mortgage bondholders, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. If at any time within three years from the time of the service of the written notice aforesaid upon the president, treasurer or director of said company, sufficient money shall be received by said board over and above what is necessary to pay the expenses of operating said road, including necessary repairs and improvements, and to pay all the coupons and bonds of the several cities and towns aforesaid that shall have become due and payable, and also all

second mortgage coupons and bonds that shall have become due and payable, said managers shall surrender said road and all its property and rights of property to said company. If the failure to pay or tender payment of the second mortgage coupons or matured bonds shall continue for the space of three years from the time of the service of the written notice aforesaid, as aforesaid, then the second mortgage shall thereby be fully foreclosed and the title to the road, franchise, property and rights of property shall become absolute in the second mortgage bondholders, to be held by them, their heirs, successors and assigns forever, in the proportions in which said bonds are held by said holders; *provided however*, that all said proceedings and said foreclosure and title shall be subject to the prior right and claim of the said several cities and towns that have issued bonds as aforesaid for this loan in aid of said road.

Foreclosure of second mortgage, time of payment limited to three years.

Proviso.

SECT. 5. Said managers, after said written notice has been served as aforesaid, may contract with any railroad company or other parties to operate said road, or may lease the same for a term of years; *provided however*, any contract for operating said road or for a lease thereof by said managers shall terminate when possession of the road shall be restored to said company, in the manner before provided.

Managers may contract to operate said road.

SECT. 6. The bonds herein authorized to be issued shall be signed by the president and treasurer of said company. If the bonds shall be secured by a deed of trust, the trustees shall be appointed by the directors of said company, and any vacancies in the board of trustees shall be filled by said directors until the service of the written notice as aforesaid, and after that time vacancies in the board of trustees shall be filled by said managers until said road shall be restored to said company in the manner aforesaid.

Bonds to be signed by president and treasurer.

SECT. 7. This act shall take effect when approved. *Approved March 17, 1870.*

LAWS OF 1871, CHAP. 511.

An act to authorize certain cities and towns to aid in the construction and equipment of the Knox and Lincoln Railroad.

Be it enacted, &c. SECT. 1. The votes and doings of the

Votes and doings of the city of Bath;
Wiscasset;
Newcastle;
Damariscotta;
Nobleborough;
Waldoborough;
Thomaston, and the city of Rockland, to aid in the construction and equipment of the Knox and Lincoln Railroad ratified, confirmed and made valid.
Bonds may be issued by said cities and towns in aid of said road.
Amounts limited.
Bonds, date and payment of.
Mortgage of company property conditioned to pay bonds, &c.

city of Bath, on the fifth day of October, one thousand eight hundred and seventy; the votes and doings of the town of Wiscasset, on the fifteenth day of October, one thousand eight hundred and seventy; the votes and doings of the town of Newcastle, on the fourth day of October, one thousand eight hundred and seventy; the votes and doings of the town of Damariscotta, on the thirtieth day of September, one thousand eight hundred and seventy; the votes and doings of the town of Nobleborough, on the twenty-sixth day of September, one thousand eight hundred and seventy; the votes and doings of the town of Waldoborough, on the fifteenth day of October, one thousand eight hundred and seventy; the votes and doings of the town of Thomaston, on the eighth day of October, one thousand eight hundred and seventy; and the votes and doings of the city of Rockland, on the sixth day of October, one thousand eight hundred and seventy; all to aid in the construction and equipment of the Knox and Lincoln Railroad, are hereby ratified, confirmed, and made valid; and to aid in the construction and equipment of said railroad, bonds payable to the bearer thereof in twenty years from their date, with coupons for interest, at the rate of three per cent. semi-annually, may be issued by said cities and towns in the amounts hereafter named in pursuance of the votes and doings aforesaid, to wit: Bath, one hundred and seventy-seven thousand six hundred dollars. Wiscasset, thirty-one thousand eight hundred dollars. Newcastle, twenty-two thousand four hundred dollars. Damariscotta, twenty-two thousand four hundred dollars. Nobleborough, seven thousand two hundred dollars. Waldoborough, twenty-six thousand two hundred dollars. Thomaston, thirty-seven thousand four hundred dollars; and Rockland, one hundred and fifty thousand dollars.

SECT. 2. All of said bonds shall bear the same date, and it shall be the duty of said railroad company to pay all the bonds that may be thus issued for its benefit, with the coupons thereon, as the same shall fall due and become payable.

SECT. 3. Said railroad company shall execute and deliver to the cities and towns issuing bonds as aforesaid a second mortgage of all its property and rights of property in said road,

present and prospective, including its franchise, conditional to pay said bonds and coupons as they shall become due and save said cities and towns harmless therefrom; said mortgage to be subject to a prior mortgage of the same property to the same cities and towns dated July first, one thousand eight hundred and sixty-nine.

Said mortgage to be subject to a prior mortgage dated July 1, 1867.

SECT. 4. In case said railroad company shall fail to pay said coupons as they shall fall due and become payable, or said bonds at the maturity thereof, and said failure in either case shall continue for the space of sixty days after demand shall have been made on the treasurer of said company therefor, it shall be lawful for the municipal officers of any city or town whose bonds or coupons shall have thus been dishonored, to call a meeting of the municipal officers of the cities and towns named in said second mortgage, by publishing a notice of the time, place and object of said meeting, three weeks successively in some public newspaper printed in the county of Knox, Lincoln or Sagadahoc; and if at such meeting, which shall be organized by the choice of a chairman and clerk, the latter to be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the municipal officers thus assembled may proceed to choose by ballot a board of managers, consisting of not more than nine members, a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary and president, and may choose any other officers which under the charter and by-laws of said company may be chosen by a board of directors, and said board of managers shall be authorized to take possession of said road and all its property and rights of property therewith connected, and operate the same, and shall have all the powers and be subject to all the duties and liabilities of a board of directors, and shall hold their offices for one year from the time of their election and until others are chosen in their stead. Said managers shall make a report of their doings and of the amount of money they have received and paid out on account of said railroad to a meeting of the municipal officers of the cities and towns aforesaid, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. When sufficient money has

In case said company shall fail to pay coupons and bonds.

Proceedings.

Managers, board of.

Secretary and president. Officers.

Authority of managers.

Report of their doings.

Meetings, by whom called.

been received by said board, over and above what is necessary to pay the expenses for operating said road, and all such sums and coupons as may fall due and become payable on the bonds named in said prior mortgage, including necessary repairs and improvements, to pay all coupons and bonds named in said second mortgage then due and unpaid, it shall surrender said road with all its property and rights of property to said company. In the election of said managers, the municipal officers aforesaid shall be entitled to one vote for every hundred dollars in bonds issued by their respective cities and towns, and the major part of the municipal officers of each city or town shall control the vote thereof. While in their possession said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. If the failure to pay said coupons or bonds named in said second mortgage shall continue for the space of full twenty years after possession shall have been taken under said second mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company, provided however, that all the duties, rights and privileges conferred by this act upon said cities and towns named in said second mortgage shall be subject to the rights and claims of the mortgagees in said prior mortgage.

Surrender of property.

Election of managers.

Road shall be operated in the name of the managers of the K. & L. Railroad Co.

Failure to pay coupons and bonds.

Foreclosure.

Lease of railroad authorized

SECT. 5. Said railroad company or said managers when said railroad is in their possession as aforesaid, may contract with any other railroad company or other parties to operate said road or may lease the same for a term of years ; *provided however*, any contract for operating said road or for the lease thereof by said managers, shall terminate when the possession of said road shall be taken by the mortgagees named in said prior mortgage, or be restored to said company in manner as before provided.

Bonds, by whom signed.

SECT. 6. The bonds herein authorized to be used, shall be signed by the mayor and treasurer of cities, and one of the selectmen and treasurer of the towns, issuing them, and countersigned by the president of said railroad company, and shall contain the endorsement, "Issued for the benefit of the Knox and Lincoln Railroad Company by the ——— of ———."

Endorsement by the president

SECT. 7. This act shall take effect when approved. *Approved January 9, 1871.*

LAWS OF 1872, CHAP. 1.

An act to authorize certain cities and towns to aid in the construction and equipment of the Knox and Lincoln Railroad.

Be it enacted, &c. SECT. 1. The votes and doings of the city of Bath on the fourteenth day of July, one thousand eight hundred and seventy-one; the votes and doings of the town of Wiscasset on the twenty-eighth day of June, one thousand eight hundred and seventy-one; the votes and doings of the town of Newcastle on the twenty-eighth day of June, one thousand eight hundred and seventy-one; the votes and doings of the town of Damariscotta on the twenty-eighth day of June, one thousand eight hundred and seventy-one; the votes and doings of the town of Nobleborough on the twenty-eighth day of June, one thousand eight hundred and seventy-one; the votes and doings of the town of Waldoborough on the twenty-eighth day of June, one thousand eight hundred and seventy-one; the votes and doings of the town of Thomaston on the twenty-eighth day of June, one thousand eight hundred and seventy-one; and the votes and doings of the city of Rockland on the fifth day of July, one thousand eight hundred and seventy-one; all to aid in the construction and equipment of the Knox and Lincoln Railroad, are hereby ratified, confirmed and made valid; and to aid in the construction and equipment of said railroad, bonds payable to the bearer thereof, in thirty years from their date, with coupons for interest at the rate of three per cent. semi-annually, may be issued by said cities and towns in the amounts hereafter named in pursuance of the votes and doings aforesaid, to wit: Bath, two hundred and forty-three thousand dollars; Wiscasset, forty-three thousand five hundred dollars; Newcastle, thirty thousand six hundred dollars; Damariscotta, thirty thousand six hundred dollars; Nobleborough, nine thousand and nine hundred dollars; Waldoborough, thirty-five thousand nine hundred dollars; Thomaston, fifty-one thousand two hundred dollars; and Rockland two hundred five thousand three hundred dollars.

Votes and doings of certain towns made valid.

Bath.

Wiscasset.

Newcastle.

Damariscotta.

Nobleborough.

Waldoborough.

Thomaston.

Rockland.

Bonds may be issued and amount.

Bath.

Wiscasset.

Newcastle.

Damariscotta.

Nobleborough.

Waldoborough.

Thomaston.

Rockland.

Bonds, &c. how paid.

SECT. 2. All of said bonds shall bear the same date, and it shall be the duty of said railroad company to pay all the bonds that may be thus issued for its benefit, with the coupons thereon as the same shall fall due and become payable.

Towns, security of.

SECT. 3. Said railroad company shall execute and deliver to the cities and towns issuing bonds as aforesaid a third mortgage of all its property and rights of property in said road, present and prospective, including its franchise, conditional to pay said bonds and coupons as they shall become due and save said cities and towns harmless therefrom, said mortgage to be subject to two prior mortgages of the same property to the same cities and towns.

Managers may be chosen in case railroad fail to pay bonds, &c.

SECT. 4. In case said railroad company shall fail to pay said coupons as they shall fall due and become payable, or said bonds at the maturity thereof, and said failure in either case shall continue for the space of sixty days after demand shall have been made on the treasurer of said company therefor, it shall be lawful for the municipal officers of any city or town whose bonds or coupons shall have thus been dishonored, to call a meeting of the municipal officers of the cities and towns named in said third mortgage, by publishing a notice of the time, place and object of said meeting three weeks successively in some public newspaper printed in the county of Knox, Lincoln or Sagadahoc, and if at such meeting which shall be organized by the choice of a chairman and clerk, the latter to be duly sworn, it shall be made to appear that such failure to pay as aforesaid continues, the municipal officers thus assembled may proceed to choose by ballot, a board of managers consisting of not more than nine members, a majority of whom shall constitute a quorum, who shall organize by the choice of a secretary and president, and may choose any other officers which under the charter and by-laws of said company, may be chosen by a board of directors, and said board of managers shall be authorized to take possession of said road and all its property and rights of property therewith connected, and operate the same, and shall have all the powers and be subject to all the duties and liabilities of a board of directors, and shall hold their offices for one year from the time of their

Notice, how given.

Board of managers, organization of.

Powers and duties of.

election and until others are chosen in their stead. Said managers shall make a report of their doings and of the amount of money they have received and paid out on account of said railroad to a meeting of the municipal officers of the cities and towns aforesaid, at least once in every year, which meeting shall be called by the president and secretary of said board of managers. When sufficient money has been received by said board

Report of.

over and above what is necessary to pay the expenses for operating said road and all such sums and coupons as may fall due and become payable on the bonds named in said prior mortgages including necessary repairs and improvements, to pay all coupons and bonds named in said third mortgage then due and unpaid, it shall surrender said road with all its property and rights of property to said company. In the election of said managers, the municipal officers aforesaid shall be entitled to one vote for every hundred dollars in bonds issued by their respective cities and towns, and the major part of the municipal officers of each city or town shall control the vote thereof.

Managers to surrender right of road to company under certain conditions.

While in their possession said road shall be operated in the name of the managers of the Knox and Lincoln Railroad Company. If the failure to pay said coupons or bonds named in said third mortgage shall continue for the space of full twenty years after possession shall have been taken under said third mortgage as aforesaid, the same shall be thereby fully foreclosed, unless prior to that time a sufficient tender of payment shall have been made by or on behalf of said company; *provided however*, that all the duties, rights and privileges conferred by this act upon said cities and towns named in said third mortgage shall be subject to the rights and claims of the mortgagees in said prior mortgages.

Mortgage, when foreclosed.

Proviso.

SECT. 5. Said railroad company or said managers when said railroad is in their possession as aforesaid, may contract with any other railroad company or other parties to operate said road, or may lease the same for a term of years; *provided however*, any contract for operating said road or for the lease thereof by said managers, shall terminate when the possession of said road shall be taken by the mortgagees named in said prior mortgages, or be restored to said company in manner as before provided.

Company, &c may lease the road.

Proviso.

Bonds, how
signed, &c.

SECT. 6. The bonds herein authorized to be used shall be signed by the mayor and treasurer of cities, and one of the selectmen and treasurer of the towns issuing them, and countersigned by the president of said railroad company, and shall contain the endorsement "Issued for the benefit of the Knox and Lincoln Railroad Company by the _____ of _____."

SECT. 7. This act shall take effect when approved. *Approved January 10, 1872.*

LAWS OF 1872, CHAP. 158.

An act additional to former acts in relation to the Knox and Lincoln and the Penobscot Bay and River Railroad Companies.

Knox and Lincoln and Penobscot Bay and River Railroad authorized to enter into contract.

Be it enacted, &c. SECT. 1. The Knox and Lincoln Railroad Company is hereby authorized and empowered to enter into and execute a contract with the Penobscot Bay and River Railroad Company, for the construction and equipment, in whole or in part, and for the maintenance, operation and management of the Penobscot Bay and River Railroad; and the latter company is hereby authorized and empowered to enter into and execute such contract, either before or after the completion of its road, on such terms and conditions and for such time as may be agreed upon by the parties to such contract. And the Knox and Lincoln Railroad Company is hereby authorized and empowered to take a lease of the Penobscot Bay and River Railroad and its property, and the latter company is hereby authorized and empowered to execute such lease, either before or after the completion of its road, on such terms and conditions and for such time as may be agreed upon by the parties to such lease; and the Knox and Lincoln Railroad Company, in order to carry into effect any such contract or lease, may issue its bonds or other securities or guaranty the payment of the bonds or other securities of the Penobscot Bay and River Railroad Company.

Knox and Lincoln R. R. may lease P. B. & R., R. R.

Lease may be made before road is completed.

May issue bonds

Time of location, &c., of road to tide waters, extended.

SECT. 2. The time for the location and construction of the Knox and Lincoln Railroad from its depot grounds in Rockland to tide waters in said Rockland, is hereby extended to December thirty-one, one thousand eight hundred and seventy-four.

SECT. 3. This act shall take effect when approved. *Approved February 27, 1872.*

THE LEWISTON AND AUBURN RAILROAD COMPANY

Is leased to the Grand Trunk Railway of Canada for the term of ninety-nine years from the tenth day of March, A. D., 1874.

LAWS OF 1872, CHAP. 88.

An act to incorporate the Lewiston and Auburn Railroad Company.

Be it enacted, &c. SECT. 1. N. W. Farwell, J. G. Coburn, Daniel Holland, J. B. Ham, Nelson Dingley, Jr., R. S. Bearce, M. T. Ludden, William P. Frye, George H. Pillsbury, P. McGillicuddy, John M. Frye, A. M. Jones, W. H. Stevens, J. L. H. Cobb, Alonzo Garcelon, John Y. Scruton, H. C. Little, Joseph H. Day, C. I. Barker, E. S. Davis, J. W. Danielson, James Wood, David Farrar, I. N. Parker, John Read, Thomas Littlefield, E. F. Packard, J. H. Roak, Ara Cushman, A. M. Pulsifer, S. Oakes, James Dingley, E. A. Little, S. P. Miller, Jeremiah Dingley, N. Morrill, O. D. Bailey, John W. Perkins, James Monroe, Daniel Field, James Wagg, Moses Crafts, Nelson Dingley, John Pickard and Jesse S. Lyford, their assigns, associates and successors, are hereby made and constituted a body politic and corporate by the name of the Lewiston and Auburn Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of their rights and privileges and in the performance of their duties; and said corporation is hereby authorized and empowered to locate and construct and finally complete, alter and keep in repair a railroad, with one set of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the city of Lewiston to some point on the Atlantic and Saint Lawrence Railroad, otherwise known as the Grand Trunk Railroad, within the limits of the city of Auburn;

Corporate
name.

Remedies at
law.

Authorized to
locate, con-
struct and ke
in repair a ra
road.

Point and lin
of road.

Powers, privileges, &c.

and said corporation shall be and hereby is invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes of this act.

Capital stock.

Shares.

Directors.

Quorum.

President.

Clerk and treasurer.

First meeting.

Acceptance of charter and organization.

By-laws.

President and directors, powers of.

Toll.

Annual meeting, when held.

SECT. 2. The capital stock of said company shall consist of not less than one thousand and not more than three thousand shares of one hundred dollars each, and the immediate direction of the affairs of said corporation shall be vested in five, seven or nine directors, to be chosen as hereinafter provided, who shall hold their office until others are chosen and qualified in their places, a majority of whom shall constitute a quorum; and they shall elect one of their number to be president of their board, and he shall also be president of the corporation. And they shall have authority to choose a clerk and treasurer. A majority of the persons named in section one are hereby authorized at a meeting holden for that purpose, called by any three of the corporators by publishing a notice of the same at least seven days before the meeting in the Lewiston Journal, to accept this act and organize this corporation.

SECT. 3. Said corporation shall have power to make, ordain and establish all necessary by-laws.

SECT. 4. The president and directors for the time being are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all kinds and description, and all such power and authority as may be necessary and proper to carry into effect the objects of said corporation.

SECT. 5. A toll is hereby granted for the benefit of said corporation, upon all passengers and property which may be conveyed or transported on and over its railroad, at such rate as may be established by its directors, subject to such laws in relation to railroad companies as are or may from time to time be established by the legislature.

SECT. 6. The annual meeting of the stockholders of said corporation shall be holden on such day as the by-laws may determine, at which meeting the directors shall be chosen by ballot.

SECT. 7. The corporation is hereby authorized to run on the

ame guage and make connections with the Grand Trunk Railway on such terms as its members may deem proper, and to lease its road and property, either before or after it shall have been completed, on such terms as its members shall determine with said road.

Guage and connection of road.

SECT. 8. Said corporation is authorized to issue its bonds to an amount not exceeding one hundred and fifty thousand dollars, and to secure the same by a mortgage of its road, franchise and property, or in any other manner.

Bonds and amount of.

Mortgage of road.

SECT. 9. If the said corporation shall not have been organized, and the location, according to actual survey of the route, filed with the county commissioners of Androscoggin county, on or before the thirty-first day of December, in the year one thousand eight hundred and seventy-two, or if said corporation shall not complete its railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-four, this act shall be void.

Organization, location, survey, route, &c., when made.

SECT. 10. This act shall take effect when approved. *Approved February 10, 1872.*

LAWS OF 1875, CHAP. 159.

An act to amend "an act to incorporate the Lewiston and Auburn Railroad Company."

Be it enacted, &c. SECT. 1. Section two of chapter eighty-eight of the private and special laws of eighteen hundred and seventy-two, is hereby amended in the fourth line by striking out the words "five, seven and or." Said section is further amended by adding after the word "provided," in the fifth line, the words "six of whom shall be residents of the city of Lewiston, and three shall be residents of the city of Auburn, to be elected in the month of April annually;" so that said section, as amended, shall read as follows:

Sec. 2 of chap. 88 of special laws of 1872 amended.

Directors of the cities of Lewiston and Auburn.

"SECT. 2. The capital stock of said company shall consist of not less than one thousand nor more than three thousand shares, of one hundred dollars each, and the immediate direction of the affairs of said corporation shall be vested in nine directors, to be chosen as hereinafter provided, six of whom

Capital stock not less than 1000 nor more than 3000 shares

shall be residents of the city of Lewiston, and three shall be residents of the city of Auburn, to be elected in the month of April annually, who shall hold their office until others are chosen and qualified in their places, a majority of whom shall constitute a quorum; and they shall elect one of their number to be president of the corporation; and they shall have authority to choose a clerk and treasurer. A majority of the persons named in section one are hereby authorized, at a meeting holden for that purpose, called by any three of the corporators, by publishing a notice of the same, at least seven days before the meeting, in the Lewiston Journal, to accept this act and organize this corporation."

SECT. 2. This act shall take effect when approved. *Approved February 22, 1875.*

LEASE

Of the Lewiston and Auburn Railroad Company to the Grand Trunk Railway of Canada.

THIS INDENTURE, made the 25th day of March, A. D. 1874, between the Lewiston and Auburn Railroad Company, a corporation created by the legislature of the State of Maine, on the one part, and the Grand Trunk Railway Company of Canada, a corporation duly created by the Queen's most excellent majesty, by and with the advice and consent of the legislative council of Canada, on the other part, witnesseth:

That in consideration of the rents, covenants and agreements hereinafter reserved and contained, and on the part of the said Grand Trunk Railroad Company of Canada, to be paid, done and performed, the said Lewiston and Auburn Railroad Company doth hereby lease, demise and let unto the said Grand Trunk Railroad Company of Canada, the railroad of the said Lewiston and Auburn Railroad Company, as now chartered, located and constructed, extending from the city of Lewiston to its point of junction with the Atlantic and St. Lawrence Railroad in the city of Auburn, with all its station grounds and buildings, bridges, piers, sidings and turnouts, and all its rights of way, and other easements and rights, and all the property and estate of every kind belonging to said Lewiston and Auburn Railroad Company, appurtenanced to and designed for the

purpose of maintaining and operating said railroad, and all its right to demand, collect and receive tolls, rates, fares, rents and income, with full power and authority to finish and complete the said railroad, as heretofore agreed between the respective parties hereto.

To have and to hold the same to the said Grand Trunk Railroad Company of Canada for and during the full term of ninety-nine years, from the tenth day of March, A. D. 1874, subject to the provisions of any mortgages of said leased property, heretofore executed by said lessor: reserving hereupon from and after the tenth day of June next, a yearly rent, payable by the said Grand Trunk Railroad Company to the said Lewiston and Auburn Railroad Company of the sum of fifteen thousand dollars, American currency, for the first year of said lease from said tenth day of June, and of eighteen thousand dollars, American currency, for each and every subsequent year during the period of said lease.

And the said Grand Trunk Railroad of Canada does hereby covenant to pay the said rent in semi-annual payments, one-half part thereof on the tenth of June, and one-half part thereof on the tenth of December, in each and every year during the continuance of their lease, less any sums paid by said lessors for and on account of interest upon any bonds issued by the said lessors and secured by mortgage upon said leased road and property. And the said Grand Trunk Railroad Company of Canada does further covenant that from and after the completion of said railroad it will maintain and operate, use and employ the said leased railroad, in furtherance of the objects contemplated by the charter of the said Lewiston and Auburn Railroad Company, and in such manner as to promote the public convenience and advantage, under the laws of the State, during the term of this lease; and that produce and other freight from the West shall be delivered in Lewiston or Auburn at as low rates as are charged to Portland or Danville Junction, and the passenger tariff to and from Portland shall not exceed one dollar and ten cents per passenger, and the rates of freight between Lewiston or Auburn, and Portland or Boston, shall never exceed a limit considerably lower than those charged on April 9th, 1872, between those points; and that it will at all times during the period of this lease, keep the said railroad and other property hereby demised in good repair and condition, for the safe, convenient and regular transaction of business, and that it will not underlet the premises, nor assign this lease, or any part of their term therein, without the consent of said lessors, and will quit and deliver up the premises to the lessors at the end of the term aforesaid.

If the said lessee shall at any time fail to pay the rent herein reserved, or the same shall become payable, or shall violate any of the covenants in his lease by said lessee to be performed, the said lessor may enter upon and take possession of the said leased railroad, and other property for breach of covenant; and if the said lessee shall not within twelve months after such entry, repair and make good such breach of covenant, then his lease shall become void.

The said Lewiston and Auburn Railroad Company further covenants that it will, during the term hereby demised, maintain the lawful organization of said company, and do all the things on its part required to uphold the charter and franchise thereof.

LEWISTON AND AUBURN RAILROAD.

And the said lessee is hereby further authorized to make or construct any new buildings or tracks necessary and beneficial to be used for the working of said railroad. And it is further covenanted by and between the parties aforesaid, that if at any time during the period of their lease the Grand Trunk Railroad Company of Canada shall change the gauge of their road, known as the Grand Trunk Railroad, the said Grand Trunk Railroad shall have the right and authority, at their own expense, to change the guage of the Lewiston and Auburn Railroad Company in conformity thereto.

All taxes which may lawfully be assessed upon the corporate property or franchise of the lessors during the period of their lease, may be paid by the lessee; and if so paid, shall be deducted from the rent herein covenanted, to be paid by said lessee.

In testimony whereof the said Lewiston and Auburn Railroad Company, acting herein by Nathaniel W. Farwell, the president thereof, duly authorized for this purpose, and the said Grand Trunk Railroad Company of Canada, acting herein by Chas. J. Bridges, managing director thereof, duly authorized for this purpose, have severally subscribed these presents, and affixed thereto their several corporate seals, the day and year above written.

Lewiston and Auburn Railroad Company, by

[L. S.]

NATHANIEL W. FARWELL, *President.*

The Grand Trunk Railroad Company of Canada, by

[L. S.]

C. J. BRIDGES, *Managing Director.*

Signed, sealed and delivered in presence of the undersigned,

R. WRIGHT, of Montreal,

J. RAND, of Portland.

MAINE CENTRAL RAILROAD COMPANY.

[The following "history" of the Maine Central Railroad has been kindly furnished by Hon. Josiah H. Drummond, of Portland.]

The system of railroads operated by the Maine Central Railroad Company includes those originally chartered under the following names:

THE ANDROSCOGGIN & KENNEBEC,

THE PENOBSCOT & KENNEBEC,

THE KENNEBEC & PORTLAND,

THE SOMERSET & KENNEBEC,

THE ANDROSCOGGIN.

The road from Brunswick to Lewiston and Leed's Junction is leased to the Maine Central, as are also the Belfast and Moosehead Lake and the Dexter and Newport roads.

The whole length of railroad owned or controlled by this company in this State is three hundred and fifty-five miles.

The Androscoggin and Kennebec Railroad Company was chartered March 28th, 1845. It was organized March 5, 1847, and before the first day of January, 1850, it had constructed a railroad from Waterville to Danville, where it connected with the Atlantic and St. Lawrence Railroad, now the Grand Trunk Railway of Canada.

The Penobscot and Kennebec Railroad Company was chartered April 5, 1845, and constructed a railroad from Bangor to Waterville, there connecting with the Androscoggin and Kennebec Railroad.

A law was passed [Special Laws of 1856, chap. 651] authorizing the Androscoggin and Kennebec, and the Penobscot and Kennebec, to consolidate into one company under a new name. The ninth section of this act was not acceptable to these companies, and they did not then consolidate under it.

But in 1862, the ninth section was repealed and the two companies consolidated on the ninth day of September, 1862, and the new corporation was organized on the twenty-eighth day of October, 1862, under the name of the Maine Central Railroad Company.

The Kennebec and Portland Railroad Company was chartered April 1, 1838, and constructed at first a railroad from Augusta to Yarmouth, connecting with the Atlantic and St. Lawrence Railroad, and also a branch from Brunswick to Bath. It afterwards extended its railroad from Yarmouth to Portland.

Under chap. 220 of the General Laws of Maine of 1852, authorizing railroad companies to issue bonds and secure them by a mortgage of their railroad, the Kennebec and Portland Railroad Company, on the fifteenth day of October, A. D. 1852, mortgaged their railroad to secure an issue of \$250,000 in bonds.

In 1857, chap. 57 of General Laws, a law was enacted providing for the manner of foreclosing railroad mortgages, and the formation of a new corporation by the mortgagees, upon the perfection of the foreclosure.

In 1859, there being a breach of the condition of the above named mortgage, proceedings were commenced to foreclose it, and the title became absolute in the mortgagees on the eighteenth day of May, A. D. 1862.

A new corporation was thereupon organized by the mortgagees under the name of the Portland and Kennebec Railroad Company.

The old company commenced a suit in equity to test the legality of the foreclosure, and the court sustained the foreclosure in every respect. See 59 Maine Reports, page 9.

The Portland and Kennebec Railroad Company was organized the twentieth day of May, 1862. This new company was, on the twenty-seventh day of January, 1864, [Special Laws, chap. 293] authorized to change its location near Portland, for the better accommodation of its business, and it did so.

This matter having been passed upon by our court of last resort, it is not deemed necessary to furnish copies of the proceedings in making the foreclosure.

The Somerset and Kennebec Railroad Company was chartered the tenth day of August, A. D. 1848, and constructed a railroad from Skowhegan to Augusta, there connecting with the Kennebec and Portland Railroad. It crossed the Maine Central Railroad at Fairfield at first, but afterwards connected with the Maine Central at Waterville, as well as crossed it.

On the first day of January, 1864, the Somerset and Kennebec Railroad was leased to the Portland and Kennebec Railroad Company under the tenth section of the laws of 1856, chap. 651.

On the first day of June, 1870, this lease was extended for the term of nine hundred and ninety-nine years.

On the twelfth day of May, 1870, the Portland and Kennebec Railroad Company leased their railroad and assigned their lease of the Somerset and Kennebec Railroad, to the Maine Central Railroad Company for the term of nine hundred and ninety-nine years under the provisions of said section ten.

The Androscoggin Railroad was constructed from Farmington to Leed's Junction, where it connected with the Maine Central Railroad. Under the General Law of January, 1852, chap. 220, it issued its bonds and secured them by a mortgage of its railroad from Farmington to Leed's Junction.

After the making of this mortgage the company was authorized to extend its railroad across the Maine Central to Brunswick, and connect there with the Portland and Kennebec Railroad. It was provided that the new portion of the railroad should not be subject to the mortgage of the old portion.

The railroad was subsequently extended to Brunswick. In consequence of a breach of the mortgage above referred to it was foreclosed, and the old portion of the railroad, (or that between Farmington and Leed's Junction) became the absolute property of the mortgagees on the eleventh day of May, 1865. They formed a new corporation under the name of "The Leeds and Farmington Railroad Company, which at once took possession of their railroad from Farmington to Leed's Junction, and their title has never been questioned. So that now the Androscoggin Railroad extends from Leed's Junction (with a branch to Lewiston) to Brunswick, and that portion formerly known by that name between Leed's Junction and Farmington is now known by the name of the Leed's and Farmington Railroad.

On the first day of June, 1867, the Leeds and Farmington Railroad Company leased their railroad to the Androscoggin Railroad Company for a term of years.

On the twenty-ninth day of June, 1871, the Androscoggin Railroad Company leased its railroad to the Maine Central Railroad Company for the term of nine hundred and ninety-nine years, and in the same contract assigned to said Maine Central Railroad Company its lease of the Leeds and Farmington Railroad.

On the same day the Leeds and Farmington Railroad Company confirmed the assignment of their lease, and extended it to the Maine Central Railroad Company for the term of nine hundred and ninety-nine years.

Thus on the first day of April, A. D. 1872, the Maine Central Railroad Company was possessed of leases of

THE PORTLAND & KENNEBEC RAILROAD,

THE SOMERSET & KENNEBEC RAILROAD,

THE ANDROSCOGGIN RAILROAD,

THE LEEDS & FARMINGTON RAILROAD,

for a term of nine hundred and ninety-nine years. By an act of February 7, 1872, these corporations were authorized to unite with the Maine Central Railroad Company in a mortgage to secure bonds to be issued by the Maine Central Railroad Company. This mortgage was executed by the several corporations named on the first day of April, 1872, and the bonds of the Maine Central Railroad Company secured by it are issued.

LAWS OF 1845, CHAP. 270.

An act to establish the Androscoggin and Kennebec Railroad.

Be it enacted, &c. SECT. 1. That William R. Frye, Edward Little, James Lowell, Thomas B. Little, Nathan Reynolds, N. B. Reynolds, John M. Frye, Calvin Gorham, John

Corporators.

Corporate
name.

Powers, privi-
leges, &c.

Empowered to
locate, con-
struct and
equip railroad,
&c.
51 Me., 319.

Line of road.

Proviso.

May purchase
and hold real
estate.

May take earth,
stone, timber,
&c., from land
taken.

B. Brown, St. John Smith, John Dow, Charles E. Barrett, and James Hall, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Androscoggin and Kennebec Railroad Company; and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point of intersection of the Atlantic and St. Lawrence Railroad, easterly, through the town of Lewiston to or near the Kennebec river, at some point between the north line of the town of Waterville and the south line of Hallowell, on such route as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act; *provided*, said corporators shall within one year from the approval of this act, file with the register of deeds for the county of Kennebec, a specification of the towns through which said road is to run, and also the point of its eastern terminus. And said corporation shall be, and hereby are, invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove, and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land

so taken; *provided however*, that said land so taken shall not exceed six rods in width, except when greater width is necessary for the purpose of excavation or embankment; *and provided, also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down, or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

SECT. 2. When said corporation shall take any land or other estate as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages, by reason of taking such land and estate aforementioned, and give good and valid releases and discharges therefor.

Land taken not to exceed six rods in width.

Proviso.

Damages for land, &c., taken, how ascertained and determined.

Lands taken, how held.

Corporation, right to remove trees within four rods of road.

Powers and privileges.

Property taken from persons under guardianship.

**Capital stock
and shares.**

**Government
and direction
of affairs vested
in directors.**

**Directors, how
chosen and
term of office.**

Quorum.

President.

**Clerk, treasurer
and bond of.**

**Books of sub-
scription.**

**Meeting for
preliminary
organization,
how called.**

By-laws.

SECT. 3. The capital stock of said corporation shall consist of not less than four thousand nor more than ten thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the board, who shall also be the president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn and also give bonds to the corporation, with sureties to the satisfaction of the directors in a sum not less than twenty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened, under the direction of the persons named in the first section of this act, at such time as they may determine, in the town of Augusta, and the cities of Bangor and Portland, in this State, and the cities of Salem and Boston, in Massachusetts, and elsewhere as they shall appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Portland, Augusta and Boston, twenty days at least previous to the opening of said subscription; and in case the amount subscribed shall exceed ten thousand shares, the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any five of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town and cities last above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

SEC. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent

with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SECT. 5. The president and directors for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions; and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent stockholder or subscriber shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided however*, that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Powers and
duties of
officers.

Assessments.

—non payment
of.

Sale of share

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and prop-

Tolls.

Transportation,
construction,
&c.

erty of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations, and provisions, as the directors shall from time to time prescribe and direct.

Connections
with other rail-
roads.
52 Me. 434.

To transport
property of
other railroads
&c., for reason-
able tolls.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads coming from a northerly or easterly direction, with the railroad of said corporation. And said corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of freight and toll, as may be prescribed by said corporation, so that the rates of freight and toll on such passengers and goods and other property as may be received from such other railroads, so connected with said railroad, as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

Private ways,
crossing of.

Canals, turn-
pikes, &c.,
crossing of.

SECT. 8. If the said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall, in the course thereof, cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

SECT. 9. Said railroad corporation shall constantly main-

tain, in good repair, all bridges with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, private way, or for constructing such private way or turnpike over said railroad.

Bridges, &c.,
repair of.

SECT. 10. If said road shall, in the course thereof, cross any lakes, ponds, navigable rivers, or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers, lakes, ponds, or streams; *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct and impede the navigation of said waters.

Navigable
waters, &c.,
crossing of.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect to erect and maintain such fence, said corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same, and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Fences.

Penalty for ne-
lect, &c.

Fine, how
appropriated.

SECT. 12. The said corporation shall, at all times when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And said corporation after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages, and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered; and a lien is hereby created on all articles transported for said

Mail, transpor-
tation of, &c.

Compensation

Road to be ke-
in repair, &c.

Obliged to
transport pas-
sengers, &c.,
payment of to

Lien for pay-
ment of toll.

Cars, &c., of
other roads pro-
hibited from
passing over
said road.

tolls. And the said corporation fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise, to pass over said railroad other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided, however,* that said corporation shall be under obligations to transport over said road, in connection with their own trains, the passengers and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the sixth and seventh sections of this act as to rates of toll, and all other particulars enumerated in said sections.

Malicious mis-
chief, penalty
and liability
for.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment, by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof, before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term, not exceeding five years, at the discretion of the court before whom such conviction may be had.

Books and
accounts, how
kept, &c.

SECT. 14. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures, and receipts, and the books of said corporation shall at all times

to the inspection of the governor and council, and of a committee duly authorized by the legislature; and at the close of every year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net income derived from the income of said railroad.

Annual exhibit to the legislature.

15. All real estate purchased by said corporation for the use of the same, under the fifth section of this act, shall be taxed to said corporation by the several towns, cities, and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall, in the valuation list, be valued the same as other real estate, of the same quality, in the town, city, or plantation, and not otherwise; and the real estate owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, at the places where they reside and have their homes. And the net income of said corporation shall have been taxed to ten per centum per annum upon the cost of the railroad and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety or such other portion as the legislature may from time to time determine, of the net income of said railroad accruing thereafter, over and above ten per centum per annum, first to be paid to the stockholders, shall finally be paid over by the treasurer of said corporation as a loan to the treasury of the State, for the use of the State. The State may have and maintain an action against said corporation therefor to recover the same. But no other tax herein is provided, shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Taxation.

No other tax to be levied.

16. The annual meeting of the members of said corporation shall be holden on the first Monday in August, or on any other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, and at each meeting the directors shall be chosen by ballot, each stockholder, by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they may deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual meeting.

Jurisdiction of
legislature.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises, herein and hereby granted, may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations; and this charter shall not be revoked, annulled, altered, limited, or restrained, without the consent of the corporation, except by due process of law.

Organization,
location, &c.,
limitation of.

Completion,
limitation of.

SECT. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty, in either of the above mentioned cases, this act shall be null and void. *Approved March 28, 1845.*

LAWS OF 1848, CHAP. 106.

An act to authorize the Androscoggin and Kennebec Railroad Company to increase its capital stock.

Capital stock
increased,
\$400,000.

Be it enacted, &c. SECT. 1. That the Androscoggin and Kennebec Railroad Company is hereby authorized to increase its capital stock, by adding thereto the sum of four hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECT. 2. This act shall take effect and be in force, from and after its approval by the governor. *Approved June 21, 1848.*

LAWS OF 1845, CHAP. 285.

An act to establish the Penobscot and Kennebec Railroad Company.

Be it enacted, &c. SECT. 1. That James Crosby, George W. Pickering, Samuel Veazie, Amos M. Roberts, Franklin Adams, Rufus Dwinel, Samuel P. Strickland, Hastings Strickland, Leonard Jones, Joseph Kelsey, William R. Miller, John H. Pillsbury, Gorham L. Boynton, Daniel W. Bradley, Daniel B. Hinkley, and Dudley F. Leavitt, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of the Penobscot and Kennebec Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point between the south line of Gardiner and the north line of Waterville, and from that point to the city of Bangor. Said railroad to be located and constructed, in the general direction of Bangor, on such route as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of this act. And said corporation shall be, and hereby are invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right

Corporators.

Corporate name.

47 Me., 202.

Route amended
1874.
Chap. 559.

Power.

Proviso.

Land damages,
how and by
whom deter-
mined.

Authorized to
fell or remove
trees, &c.

Powers,
privileges, &c.

Subject to pro-
visions of ch.
81, R. S.

Damages for
lands, &c.,
taken from per-
sons under
guardianship,
how adjusted.

to take, remove, and use for the construction and re-
said railroad and appurtenances, any earth, gravel, stone,
ber, or other materials, on or from the lands so taken;
provided, however, that said land so taken, shall not ex-
ceed four rods in width, except where greater width is necessary
for the purpose of excavation or embankment; *And provide*
that in all cases, said corporation shall pay, for such
estate, materials so taken and used, such price as they and
the owners thereof may mutually agree on; and in case said
owners shall not otherwise agree, then said corporation shall pay
damages as shall be ascertained and determined by the
commissioners, for the county where such land or other
property may be situated, in the same manner and under the
same conditions and limitations, as are by law provided in the
law of damages by the laying out of highways. And the
land so taken by said corporation shall be held as lands taken
and appropriated for public highways. And no application
to the commissioners to estimate said damages, shall be sus-
tained unless made within three years from the time of taking
such land or other property; and in case such railroad shall
pass through any wood lands or forests, the said company
shall have a right to fell or remove any trees standing therein,
within four rods from such road, which by their liability to be
blown down, or from their natural falling might obstruct or
impede said railroad, by paying a just compensation therefor
to be recorded in the same manner as is provided for the re-
covery of other damages in this act. And furthermore, said cor-
poration shall have all the powers, privileges, and immunities
which shall be subject to all the duties and liabilities, provided as
is prescribed respecting railroads, in chapter eighty-one of the
revised Statutes, not inconsistent with the express provisions
of this charter.

SECT. 2. When said corporation shall take any land or
other estate as aforesaid, of any infant, person *non compos*
mentis, or feme covert, whose husband is under guardianship,
the guardian of such infant, or person *non compos*, or
such feme covert, with the guardian of her husband, shall
have full power and authority to agree and settle with

ration for damages or claims for damages, by reason of
g such land and estate aforesaid, and give good and valid
es and discharges therefor.

ART. 3. The capital stock of said corporation shall consist
at less than four thousand, nor more than ten thousand
s; and the immediate government and direction of the
s of said corporation shall be vested in seven, nine, or
ten directors, who shall be chosen by the members of said
ration, in the manner hereinafter provided, and shall hold
offices until others shall have been duly elected and quali-
to take their places, a majority of whom shall form a
um for the transaction of business; and they shall elect
f their number to be president of the board, who shall
be the president of the corporation; and shall have author-
choose a clerk, who shall be sworn to the faithful dis-
e of his duty; and a treasurer, who shall be sworn and
give bonds to the corporation, with sureties to the satis-
n of the directors, in a sum not less than twenty thousand
s for the faithful discharge of his trust. And for the
se of receiving subscriptions to the said stock, books shall
ened under the direction of the persons named in the
section of this act, at such time as they may determine, in
own of Augusta, and the cities of Bangor and Portland in
tate, and the cities of Salem and Boston in Massachusetts,
elsewhere as they shall appoint, to remain open for ten
ssive days, at which time and place of subscription, public
e shall be given in some newspaper printed in Portland,
ista, Bangor, and Boston, twenty days at least, previous
e opening of such subscription; and in case the amount
ribed shall exceed ten thousand shares, the same shall be
buted among all the subscribers, according to such regu-
is as the persons having charge of the opening of the sub-
tion books shall prescribe before the opening of said books.
any seven of the persons named in the first section of this
are hereby authorized to call the first meeting of said cor-
tion, by giving notice in one or more newspapers published
e town and cities last above named, of the time and place,
the purposes of such meeting at least twenty days before
ime mentioned in such notice.

Capital stock
and shares.

Directors, how
chosen.

Quorum.

Authority of
the president
and directors.

Clerk and
treasurer.

Bond.

Books for sub-
scription when
opened, &c.

Notice to be
given.

Amount of
subscription
exceeding
10,000 shares,
how distributed

First meeting,
how called.

By-laws.
47 Me., 189.

SECT. 4. Said corporation shall have power to make, ordain, and establish all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

President and
directors, pow-
ers and duties
of.

47 Me., 189.

SECT. 5. The president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold within or without the State, land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said railroad and for the transportation of persons, goods, and property of all descriptions; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale. *Provided, however,* that no assessment shall be laid upon any shares in said corporation of a greater amount, in the whole, than one hundred dollars.

Assessments.

Notice, how
given.

Shares of delin-
quent subscrib-
ers, how dispos-
ed of.

Proviso.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time, by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights and loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations, and provisions as the directors shall from time to time prescribe and direct.

Toll.
47 Me., 189.

**Transportation,
construction
and form of
rolling stock.**

How regulated.
47 Me., 189.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads, with the railroad of said corporation, coming from a northerly or southerly direction. And said corporation shall receive and transport all persons, goods, and property of all descriptions, which may be carried and transported to the railroad of said corporation on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of toll and freight on such passengers and goods and other property as may be received from such other railroads, so connected with the railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers at any of the deposits of said corporation.

SECT. 8. If the said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct the said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall, in the course thereof, cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

**Not to obstruct
any highway or
private way.**

Company shall
maintain
bridges, &c.

SECT. 9. Said railroad corporation shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

Navigable waters,
&c., crossing of.

Proviso.

SECT. 10. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers, or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters: *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters. *Provided*, that no bridge shall be built across the Kennebec river, south of the present Kennebec bridge, at Augusta, nor within twenty rods of any existing bridge; and if any such bridge shall be constructed, across the Kennebec river, south of the north part of Ticonic bay at Waterville, it shall have no more than one pier, and shall be so constructed as to have as much height from the water to the under side of the bridge, as the present Kennebec bridge, and so as to interfere as little with the free navigation of the river with boats and rafts as is practicable.

Fences.
46 Me., 162.

—liable to indictment for
neglect to build.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court, for the county where such fence shall be insufficient, and be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Mail, transportation of.

SECT. 12. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation.

And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages, and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid or tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required: *provided, however*, that said corporation shall be under obligations to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll and all other particulars enumerated in said sections.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons, assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had; to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such

—compensation for, how determined in case of disagreement. 47 Me., 189.

Keep road in repair, &c.

Obliged to transport passengers, &c., after payment of tolls. Lien created for payment of tolls.

Cars and engines of other roads prohibited from passing over said road.

Proviso.

Malicious mischief, trespass, &c.

Forfeiture.

Fine and penalty on conviction.

offender or offenders shall be liable to indictment by the grand jury of the county, within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Books of receipts and disbursements open to inspection of governor and council, &c.

SECT. 14. Said corporation shall keep, in a book for that purpose, a regular account of all their disbursements, expenditures, and receipts; and the books of said corporation shall be open at all times to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad.

Real estate.

—where taxable

SECT. 15. All real estate purchased by said corporation for the use of the same, under the fifth section of this act, shall be taxable to the said corporation by the several towns, cities, and plantations, in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate, of the same quality, in such town, city, or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road and its appendages, and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time, one moiety or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter, over and above ten per centum per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State, for the use of the State. And the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax

Shares of the company to be deemed personal.

Net income of road over 10 per cent per annum.

State, right of action in the case.

an herein is provided shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the second Monday in June, or on such other days as shall be determined by the by-laws, at such time and place as the directors, for the time being, shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual meeting.

Special meetings.

SECT. 17. The legislature shall, at all times, have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary, more effectually to compel compliance with the provisions, liabilities, and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained, without consent of the corporation, except by due process of law.

Legislature may inquire into doings of corporation, &c.

47 Me., 189.

SECT. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty, in either of the above mentioned cases, this act shall be null and void. *Approved April 7, 1845.*

Time for the organization, location and completion of said road.

LAWS OF 1851, CHAP. 453.

Be it enacted, &c. The time in which the location of the

Filing of location extended.

line of the Penobscot and Kennebec Railroad Company may be filed, is hereby extended to one year from the last day of December next. *Approved June 3, 1851.*

Chap. 199 Special Laws of 1854, and chap. 416 Special Laws of 1855, authorized the city of Bangor to issue its bonds in aid of the construction of the Penobscot and Kennebec Railroad; and the city did issue its bonds, but as the last instalment of the bonds were paid in October, 1874, there seems to be no need of inserting those chapters in this work.

See Special Laws of 1856, chap. 651, which authorized the Penobscot and Kennebec Railroad to consolidate with the Androscoggin and Kennebec Railroad.

LAWS OF 1856, CHAP. 651.

An act to authorize the consolidation of certain railroad corporations.

The A. and K., and the P. and K. railroad companies authorized to consolidate. See laws 1873, chap. 383.

Be it enacted, &c. SECT. 1. The Androscoggin and Kennebec, the Androscoggin, and the Penobscot and Kennebec Railroad Companies, or any two of them, are hereby authorized, at any time, to consolidate such companies into one corporation, in the manner following.

Directors of said corporations authorized to enter into certain agreements for that purpose.

SECT. 2. The directors of any two or more of said corporations, may enter into an agreement under their respective corporate seals, for the consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors thereof, which shall not be less than five nor more than eleven, the time and place of holding the first election of directors, the amount of capital, and the number of shares of the stock of the new corporation, the manner of converting the shares of capital stock in each of said corporations into the shares of such new corporation.

Agreement of directors not binding upon the corporations.

SECT. 3. Such agreement of the directors shall not be deemed to be the agreement of said corporation, so proposing to consolidate, until after it has been submitted to the stockholders of each of said corporations separately, at a legal meeting thereof, to be called by each corporation in accordance with its charter and by-laws, and has been sanctioned and approved by such stockholders, by the vote of at least a majority of the stock present at such meetings, respectively, voting by ballot

at such meetings, in regard to said agreement, either in person or by proxy, each share of such capital stock being entitled to one vote; and when such agreement of the directors has been sanctioned and approved by each of the meetings of the respective stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said several corporations; and a sworn copy of the proceedings of such meetings, made by the clerks thereof respectively, and attached to said agreement, shall be evidence of the holding, and of the action of such meetings in the premises.

When such agreement shall be deemed the agreement of the corporations.

Evidence of meetings of the corporations.

SECT. 4. Upon the making the said agreement, mentioned in the preceding section, in the manner required therein, and filing a duplicate, or a counter part thereof, in the office of the secretary of State, and immediately upon and after the first election of directors of said new corporation, the said corporations, so making said agreement, shall be consolidated, and together constitute the new corporation provided for in said agreement, to be known by the corporation name therein mentioned; and the details of such agreement shall be carried into effect as provided therein; and such new corporation shall have all the powers, privileges and immunities, possessed by each of the corporations so entering into said agreement, and be subject to all the legal obligations now resting on them respectively: *provided, however*, that nothing in this act shall be construed as extinguishing said consolidated corporations, or annulling their charters; but they shall severally be regarded as still subsisting, so far as their continuance for the purpose of upholding any right, title or interest, power, privilege or immunity, ever possessed, exercised or enjoyed, by either of them, may be necessary for the protection of the creditors or mortgagees of either of them, or of such new corporation; the separate exercise of their respective powers, and the separate enjoyment of their respective privileges and immunities, being suspended, until the protection of such creditors or mortgagees shall require their resumption, when such suspension shall cease, so far and for such time as the protection of such creditors or mortgagees may require.

When said corporations shall be deemed to constitute a new corporation.

Powers, &c., of such new corporation.

The rights of the creditors of the original corporations protected.

Transfer of the rights and franchise of the several corporations.

Title of real estate not impaired by consolidation.

Rights of actions of such corporations survive to new corporation.

Rights of creditors not impaired by act of consolidation.

Such new corporation shall succeed to the obligations and liabilities of the consolidated corporations.

SECT. 5. Upon the election of the first board of directors of the said new corporation, created by the agreement of the several companies, all and singular, the rights, franchise and interest of the said several corporations, so consolidated, in and to every species of property, real, personal and mixed, and things in action, thereunto belonging, shall be deemed to be transferred to, and vested in, such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with the rights of way, and all other rights of property, franchise and interest, in the same manner and to same extent as if the said several corporations, so consolidated, should have continued to retain the title and transact the business of such corporation; and the title and real estate, acquired by either of said corporations, shall not be deemed to revert or be impaired by means of such act of consolidation, or anything relating thereto; and all suits that either of said corporations, so consolidated, could have maintained, shall survive to, and may be brought in the name of said new corporation.

SECT. 6. The rights of creditors of any corporation that shall be consolidated, shall not in any manner be impaired by any act of consolidation, nor shall any liability or obligation for the payment of any money now due, or hereafter to become due, to any individual person or corporation, or any claim for damage for any act done, or neglect suffered by any such corporation, be in any manner released or impaired; but such new corporation is declared to succeed to such obligations and liabilities, and be held liable to pay and discharge all the debts and liabilities of each of the corporations that shall be so consolidated, whether on contract, or for misconduct or neglect, either to the State or to individuals, or to any municipal or other corporation; and it shall be liable to have an action brought against it, to enforce the payment of any money or damages, or the performance of any duty which any corporation, consolidated into such new corporation, was liable to pay or perform, in the same manner as if such new corporation had itself incurred the obligation or liability to pay such money or damages, or perform such duty; and no suit, action, or

other proceeding now pending before any court or tribunal, in which any railroad company that may be so consolidated, is a party, shall be deemed to have abated or discontinued, by reason of any such agreement of consolidation; but the same may be prosecuted to final judgment, in the same manner as if the said corporation had not entered into such agreement of consolidation; or the said new corporation may be substituted as a party in the place of any corporation of which it shall be composed, by order of the court in which such action, suit or proceeding may be pending, and with the consent of the other party.

Actions pending, not abated by acts of consolidation.

SECT. 7. In the event of a failure of said new corporation to perform any of the terms or conditions of any mortgage given by either of said consolidated corporations, or the terms or conditions of any act of the legislature authorizing such mortgage, any notice to the officers, or stockholders, of either of such consolidated corporations, required by the terms of such mortgage or act, shall be given in the same manner, and with the same effect, to the like officers or stockholders of such new corporation; and in case the mortgagees therein named shall elect to take possession of the property mortgaged, or to foreclose such mortgage, as provided therein, or in any act authorizing the same, the corporation which executed said mortgage shall again exercise and possess, separately, all its original powers, privileges and immunities, so far as the protection of the interests of such mortgagees may require; and the said mortgagees shall have all the rights and powers which they would have possessed had this act not been passed, and shall be entitled to take immediate possession of all the real estate and fixtures on that part of the line covered by their mortgages, respectively, owned or used for the purpose of working such road, by such new corporation, and to use the same, so long as they shall rightfully retain possession of the road; *provided, however*, that on the full performance of the condition of such mortgage, for the breach of which such entry shall have been made, prior to the foreclosure thereof, such new corporation may resume possession of such mortgaged premises, and the exercise and enjoyment of all the powers and rights which it possessed before such breach of condition.

Notice required by terms of mortgage, given by either of said corporations.

How given, in case of a failure of consolidated corporation to perform the conditions thereof.

Rights of mortgagees to possession, not affected by this act.

Proviso.

Authority of the city of Bangor to appoint a director.

Lien on certain property of the corporation, for security of the city of Bangor.

The connection and crossing of any railroad with the railroads of any company formed under this act.

Repealed Mar. 17, 1862.
Chap. 183, Special Laws.

SECT. 8. In case the Penobscot and Kennebec Railroad Company shall become one of the consolidated corporations, and until all the conditions of its several mortgages to the city of Bangor shall be duly performed, the city of Bangor shall have the same power to appoint one of the directors of such new corporation, and in the same manner, that it now has to appoint one of the directors of the Penobscot and Kennebec Railroad Company by the terms of the tenth section of the act of March first, in the year of our Lord one thousand eight hundred and fifty-four, authorizing it to loan its credit to said company; and shall have a lien, which shall take precedence of all other liens hereafter arising, to the amount of seventy-five thousand dollars, on the cars, engines and other equipments of such new corporation, and the right, on breach of the conditions of any of said mortgages, to take so many and such of said cars, engines and other articles of equipment as will, at the appraisal of three disinterested and competent men, be of that value, and to use the same until said conditions shall be complied with.

SECT. 9. Any railroad constructed under the laws of this State, is hereby authorized to connect with or cross the railroad or railroads of any company to be formed under this act, and in case of such connection or crossing, all such arrangements shall be made and allowed by the respective companies owning or operating the connecting or crossing roads, and by such consolidated company, as shall best promote the public convenience and the mutual interests of the roads, and as shall give to persons at any station on the Penobscot and Kennebec, or the Somerset and Kennebec railroads, and at and beyond Portland, a right to a through passage from Portland to any station on the Penobscot and Kennebec, or the Somerset and Kennebec railroads, and to Portland and beyond from any station on the Penobscot and Kennebec, or the Somerset and Kennebec railroads, at the same rates of fare, from time to time, as may be required for such a passage on the road of the consolidated company, whether such person shall travel upon the road of the consolidated company, or the roads of the Kennebec and Portland, and Somerset and Kennebec com-

panies, so long as those companies shall convey passengers on their roads between Portland, and the Penobscot and Kennebec, and Somerset and Kennebec roads on like terms, and give to all passengers their choice of routes at same rates of fare, whether travelling between Portland and Kendall's Mills, on the road of the consolidated companies, or the roads of the Kennebec and Portland, and Somerset and Kenuebec companies; *provided, however*, that any railroad company claiming the benefit of this section, shall first accept the provisions thereof as a part of their charter, and make it binding upon them.

SECT. 10. Any corporation named in this act, and any corporation formed under it and the Kennebec and Portland, and the Somerset and Kennebec railroad corporations, or either of said corporations, are hereby authorized to let or lease their roads, franchises and property for hire, or to contract for the running and managing the same with any individual or other railroad corporation for a term of years, and such lease or contract so made with such individual or corporation, shall be deemed valid and binding upon the parties entering into the same; *provided, however*, that by reason of such lease or contract, the corporations owning the road so leased, shall not be released from any of their corporate liabilities.

Certain railroad corporations authorized to lease their roads.

—or to contract for running the same.

Proviso.

SECT. 11. This act shall take effect and be in force from and after its approval by the governor. *Approved April 1, 1856.*

LAWS OF 1862, CHAP. 183.

An act to repeal the ninth section of an act entitled "an act to authorize the consolidation of certain railroad corporations."

Be it enacted, &c. The ninth section of an act entitled "an act to authorize the consolidation of certain railroad corporations," approved April one, eighteen hundred fifty-six, is hereby repealed. *Approved March 17, 1862.*

Sect. 9, act of April 1, 1856. repealed.

CONTRACT OF CONSOLIDATION.

Whereas by the foregoing statutes it is provided, &c.

Now, therefore, be it known, That the directors of the said Androscoggin and Kennebec Railroad Company, of the first part, and the directors of the said Penobscot and Kennebec Railroad Company, of the second part, by virtue of the authority so granted to them, do enter into the agreement hereinafter written, for the consolidation of said two corporations.

It is agreed as follows:

First, That said Androscoggin and Kennebec Railroad Company, and said Penobscot and Kennebec Railroad Company shall be consolidated into one corporation.

Second, That the name of the new corporation thus created shall be the MAINE CENTRAL RAILROAD COMPANY.

Third, That the capital stock of said Maine Central Railroad Company shall consist of fifty thousand shares, of the par value of one hundred dollars each; and each share of the capital stock of either of said consolidated corporations shall be taken and deemed to be a share in the capital stock of the Maine Central Railroad Company, for all purposes, until the issue of certificates of shares in the new corporation, as hereinafter provided, and no longer; and shall entitle the holder thereof, or his representative, to one vote at the meeting for the first election of directors.

Fourth, That the immediate government and direction of the affairs of said Maine Central Railroad Company shall be vested in seven directors, who shall be chosen in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Fifth, That a meeting of the stockholders of the Androscoggin and Kennebec Railroad Company, and the stockholders of the Penobscot and Kennebec Railroad Company, shall be held at Waterville, in said State of Maine, at the repair-shop of the Androscoggin and Kennebec Railroad Company, on Thursday, the twenty-fifth day of September next, at eleven o'clock, A. M., for the election of directors of the Maine Central Railroad Company, and for the transaction of any other business which may be

deemed by said meeting necessary or proper to be done to perfect said consolidation, to complete the organization of said new corporation, and to provide for the due and orderly conducting of its affairs, and the management of its property.

Sixth, That notice of the time, place, and purpose of such meeting, signed by the president of the Androscoggin and Kennebec Railroad Company, and by the president of the Penobscot and Kennebec Railroad Company, shall be published, at the least, fourteen days before said twentieth day of September, in one or more newspapers published in Portland and Bangor.

Seventh, That the president of the Androscoggin and Kennebec Railroad Company, if he be present, and if he be absent, then the president of the Penobscot and Kennebec Railroad Company, shall preside at said meeting till its organization shall be completed by the election of a chairman and secretary, and if neither of said presidents shall be present, then any other director of either of said corporations may so preside.

Eighth, That after such consolidation is accomplished, the president and directors of the Maine Central Railroad Company, for the time being, shall have as full and ample power and authority in relation to the business, property, and affairs of that corporation, including the power to purchase and hold, sell and convey, in the name and for the use of the corporation, as the president and directors of the Androscoggin and Kennebec Railroad Company, or the president and directors of the Penobscot and Kennebec Railroad Company now have, respectively, in relation to the business, property, and affairs of their companies, respectively; *provided, however*, that no assessment shall be laid upon the shares of such new corporation.

Ninth, That as soon after the first election of directors as may be, certificates of shares in the capital stock of the Maine Central Railroad Company shall be prepared in proper form, and shall be issued in exchange for certificates of stock, share for share, of the Androscoggin and Kennebec Railroad Company, or of the Penobscot and Kennebec Railroad Company, on the request of the respective owners thereof.

Tenth, That the annual meeting of the members of said corporation shall be holden on the last Wednesday of June of each year, or such other days as shall be determined by the by-laws, at such time and place as the directors, for the time being, shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor, by himself, or proxy, being entitled to as many votes as he holds shares, and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving notice as the corporation, by their by-laws, shall direct.

Eleventh, That at the meeting provided for in the fifth section of this agreement, and prior to the election of directors, the Androscoggin and Kennebec Railroad Company shall deliver to the chairman of said meeting valid certificates of shares in the capital stock of said Androscoggin and Kennebec Railroad Company, sufficient in amount to liquidate all the bonds of said Androscoggin and Kennebec Railroad Com-

pany for the delivery of such stock, issued under and by virtue of a vote of the stockholders of said Androscoggin and Kennebec Railroad Company, passed on the 27th day of April, A. D. one thousand eight hundred and fifty three, or a vote passed on the sixteenth day of October, A. D. one thousand eight hundred and fifty-six, to wit, seven thousand and one hundred shares; which certificates shall be held by said chairman, in trust, until the organization of the first board of directors of the Maine Central Railroad Company, and then be delivered by him to said new corporation, to be held by it until such times as said bonds shall respectively mature, and then to be delivered in liquidation of said bonds, to the holders thereof, respectively, on demand; which holders, having so received said stock in liquidation of said bonds, shall have the right, respectively, to demand and receive in exchange therefor, the stock, share for share, of the Maine Central Railroad Company.

Twelfth, That the holders of the bonds of the Penobscot and Kennebec Railroad Company, issued under and by virtue of a vote of the stockholders thereof, passed on the eighth day of July, A. D. one thousand eight hundred and fifty-six, commonly called the third mortgage bonds, shall be entitled on the surrender of their said bonds, respectively, to receive in exchange therefor the bonds of the Maine Central Railroad Company, to the amount of forty per cent. of the principal of each bond so surrendered, and of the interest which had accrued thereon, on the first day of April, A. D. one thousand eight hundred and sixty-two, and shares of the capital stock of said Maine Central Railroad Company to an amount, equal, at par value, to sixty per cent. of said bonds and interest.

Thirteenth, That the holders of the bonds of the Penobscot and Kennebec Railroad Company, issued under and by virtue of a vote of the stockholders thereof, passed on the tenth day of July, A. D. one thousand eight hundred and fifty-five, commonly called the second mortgage bonds, shall be entitled, respectively, on the surrender of such of the coupons attached to their said bonds as are now over-due, and the release of all interest that had accrued on their said over-due coupons, respectively, to the first day of April, A. D. one thousand eight hundred and sixty-two, to receive therefor, in payment of such coupons and interest, the bonds of the Maine Central Railroad Company, for an amount equal to the sums thus paid.

Fourteenth, That the president and directors of the Maine Central Railroad Company shall be, and hereby are, authorized and empowered to issue, from time to time, as they shall be needed, certificates of so many shares in the capital stock of said company as may be required to carry out the provisions of this agreement in relation thereto, and to issue the bonds of said company, to an amount not exceeding four hundred thousand dollars, payable in eight years, bearing interest at the rate of six per cent. per annum, with coupons for interest attached, and to deliver so many of said bonds to said bondholders of the Penobscot and Kennebec Railroad Company as may be necessary to carry into effect the provisions of this agreement relating to said bondholders: and to sell or pledge so many of said bonds as may not be required to pay said bond-

holders, from time to time, to raise money for the use of said Maine Central Railroad Company; and to execute a mortgage of all the property of said Maine Central Railroad Company, to secure the payment of such bonds and coupons.

In witness whereof, The parties of the first part have affixed hereto, in duplicate, the corporate seal and the signatures of the president and a majority of the directors of the Androscoggin and Kennebec Railroad Company; and the parties of the second part have affixed hereto, in duplicate, the corporate seal, and the signatures of the president and a majority of the directors of the Penobscot and Kennebec Railroad Company, on this twentieth day of August, Anno Domini one thousand eight hundred and sixty-two.

HOLLIS BOWMAN,
President Penobscot and Kennebec R. R. Co. { SEAL }

T. W. BALDWIN,
G. W. PICKERING,
IRA CROCKER,
JABEZ TRUE,
JOHN WEBBER, } DIRECTORS.

JOHN WARE,
President Androscoggin and Kennebec R. R. Co. { SEAL }

SAMUEL P. BENSON,
IRA CROCKER,
WILLIAM GOODENOW,
FRANKLIN SMITH,
JEDIAH MORRILL, } DIRECTORS.

The foregoing contract was sanctioned and approved by the stockholders of the Androscoggin and Kennebec Railroad Company, at a meeting called for that purpose, and held at Waterville, September ninth, 1862; and the same was sanctioned and approved by the stockholders of the Penobscot and Kennebec Railroad Company, at a meeting called for that purpose, and held at Waterville, September 9th, 1862; and the Maine Central Railroad Company was organized by the choice of a board of directors, at Waterville, October 28th, 1862.

THE PORTLAND AND KENNEBEC RAILROAD COMPANY

extends from Portland to Augusta, sixty-two and three-quarters miles, with a branch to Bath of nine miles making seventy-one and three-quarters miles.

It was chartered and built under the name of Kennebec and Portland Railroad Company.

LAWS OF 1836, CHAP. 227.

An act to incorporate the Kennebec and Portland Railroad Company.

Corporators.

Name.

Powers.
31 Me., 215.

Be it enacted, &c. SECT. 1. That Robert Hallowell Gardiner, O. B. Dorrance, F. Allen, M. Greenwood, A. Berry, N. F. Deering, P. Sheldon, M. P. Sawyer, Henry Bowman, Wm. Stevens, 2d, J. P. Boyd, F. Tinkham, John Henry, E. Swan, John Otis, Reuel Williams, A. Redington, E. F. Deane, G. Evans, H. B. Hoskins, A. J. Stone, R. K. Page, S. H. Mudge, A. Shaw, S. E. Crocker, E. McLellan, Francis Richards, M. Springer, Wm. Palmer, Allen Lambard, R. H. Gardiner, Jr., E. C. Stevens, James L. Child, T. W. Smith, S. Kingsbury, A. S. Chadwick, R. Boyd, M. French, Nath'l Kimball, Hiram Stevens, Alex. Cooper, Martin Gore, Stephen Young, H. Goddard, D. Scribner, J. Humphrey, D. Dunlap, David Neal, Josiah Merrow, their associates, successors, and assigns, be and they hereby are made a body politic and corporate, by the name of the Kennebec and Portland Railroad Company; and by that name shall have and enjoy all the rights, privileges, and immunities incident to corporations, and subject to the liabilities and duties provided for by an "act concerning corporations," passed February sixteenth, one thousand eight hundred and thirty-six, so far as the same is made applicable to railroads heretofore incorporated, and also subject to the duties and liabilities, and entitled to all the rights, privileges, and immunities provided for in the "act defining the rights and duties of railroad corporations" passed March first, one thousand

and eight hundred and thirty-six; and also shall have the power to ordain and establish such by-laws as shall from time to time be deemed necessary and proper for the management and regulation of their affairs, not repugnant to the laws of this State; and said company are hereby authorized and empowered to locate, construct, and maintain a railroad commencing at a point in the city of Portland, and thence passing through the towns of North Yarmouth, Freeport, Brunswick village, and Topsham, to Gardiner village, and thence to Augusta village, on the west side of Kennebec river.

Route, 35 Me.,
323, amended.
1857, ch. 106.
1862, ch. 182.
1864, ch. 285.
1864, ch. 330.
1864, ch. 391.
1865, ch. 430.

SECT. 2. That the powers of said company, except at the legal meetings thereof, shall be vested in a board of not less than nine directors, who shall be chosen at the first meeting of said company, and afterwards annually at such time as the by-laws of the company shall prescribe, and shall hold their offices for one year, and until others shall be chosen in their stead; and said directors shall annually elect from their own body a president, secretary, treasurer, and such other officers as said by-laws shall direct, and shall have power to employ and invest the proceeds of the railroad as they may see fit, for the use and benefit of the stockholders.

Amended 1851.
chap. 447.

Officers.

Amended 1851,
chap 447.

SECT. 3. That this grant shall be void unless the route of said railroad shall be surveyed, and a return of said survey to be made to the county commissioners of the counties through which said railroad shall pass and to the governor and council, on or before the first day of August, one thousand eight hundred and thirty-seven, and the stock taken up within two years thereafter, and at least that part of said route between Portland and Brunswick be completed and in operation within six years from the said first day of August, one thousand eight hundred and thirty-seven, and the whole route within ten years therefrom.

Time of survey.

Amended 1841,
chap. 152 and
1845, ch. 273.

SECT. 4. That the capital stock of said company may consist of one million two hundred thousand dollars, and shall be divided into shares of two hundred dollars, and each share shall be entitled to one vote by the person holding such share or shares, or by authorizing some person in writing to vote and act as his proxy but no member shall be allowed more than fifty votes.

Capital stock,
amended 1846,
ch. 341 and 1848,
ch. 100, 34 Me.,
363, 369, 45 Me.
532.

Tolls.

Returns to governor.

See law of 1857,
ch. 106, sect. 3.Legislative
power.Amended 1845,
ch. 273.

Proviso.

SECT. 5. That said company may from time to time, establish, demand, and collect such tolls for the transportation of persons, goods, wares, merchandise, or commodity whatever, on said railroad as they may see fit; *provided*, that whenever the profits arising from tolls or otherwise shall exceed twelve per centum per annum on the actual cost of said railroad, after deducting all necessary disbursements in conducting its operations, then the legislature shall from time to time, have the right so to reduce such tolls as may have been established, not below the rate of twelve per centum per annum as aforesaid, as may be judged expedient; and to carry this provision into effect, it shall be the duty of said company within one year after said railroad shall have been put in operation or any part thereof, to make return to the governor and council of the actual cost of said railroad, or part thereof, and annually thereafter of all disbursements made and allowed by the directors and the rates of toll by them established, the amount of tolls and other profits received, and the rate of profits or per centum on the cost aforesaid, actually realized within the year; and if the legislature shall not be satisfied with such return, the legislature may require an examination into the affairs of said company in such manner as they shall direct; and if it shall appear that the affairs of said company have not been economically conducted, and that the profits arising from tolls or otherwise, might have exceeded the maximum of twelve per centum per annum, or that any wilful evasion of the provisions of this section shall have been practised by said company, then the legislature shall have the right to make such reasonable reduction of the charges for disbursements, as aforesaid allowed and charged by said directors as shall be judged economical, and from such basis so to reduce the tolls and profits, not however, below the rate of twelve per centum per annum, as aforesaid, as shall be judged expedient, any thing in this act to the contrary notwithstanding. *And provided further*, that the legislature shall not so reduce said tolls and profits below the rates, nor on any principle more unfavorable to said company than the mode adopted in the charter of the Maine, New Hampshire, and Massachusetts Railroad Corporation, and mak-

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ing the same reservation in aid of primary schools in this charter as is reserved in that.

SECT. 6. That it shall be the duty of said company to provide and maintain on their railroad suitable and convenient cars for the transportation of persons and freight of every description to be transported thereon; and may purchase, take, and hold such land and other property, may establish such depots, warehouses and other works as may be necessary for the safe keeping and accommodation of persons, goods, wares, and merchandise transported, or to be transported thereon, as may be found expedient for the construction and use of said railroad and other works, and shall have a lien for tolls due on all property of every description by them transported from place to place, with the right to sell so much thereof as may be necessary to pay the same with incidental charges, and may make and collect such assessments on the shares of said capital stock as may be deemed expedient, in such manner as shall be prescribed in their by-laws.

To provide cars.

May take and hold land.

Lien for tolls.

31 Me., 476.

SECT. 7. That it shall be the duty of said company to receive, from any other railroad established by authority of this State, connected with, or approaching near, to any portion of the road established by this company, at any suitable and convenient point, any person or freight, and transport the same to any other point on said railroad where persons or freight may be safely and conveniently landed, agreeably to the wishes of such person, or the owner of such freight, on the payment, or offer of payment of the same rate of tolls established by said company, for the same portion of their said railroad traversed by such person or freight; *provided*, that said railroad company connecting with, or approaching this line of railroad, be required in like manner to transport persons and freight on their railroad arriving from this. *And provided also*, that from the city of Portland the said company shall have authority to connect thence with any other railroad established by law leading to Boston, in Massachusetts, in the most direct and feasible manner; and so as best to accommodate the travelling public, the consent of the proprietors thereof being first obtained, such connection to be made in such manner as shall

To receive persons, and freight of other roads.

Proviso.

be designated by the engineer employed by said company to survey and construct their said railroad and the engineer employed to survey and construct such other railroad.

Wilful injury,
how punished.

SECT. 8. That if any person shall wilfully or wantonly obstruct the passage of any carriage on said railroads, or in any way injure or destroy said railroad, or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction, or for the use of said railroad, he, she or they, or any person or persons assisting, aiding, or abetting such trespass, or committing, or in aiding or assisting in the commission of any other trespass on said railroad, or any thing connected therewith, shall forfeit and pay to the use of said company treble damages by them sustained, to be sued for and recovered in an action of debt, or of the case, by such person or officers as the directors shall from time to time appoint, before any court of competent jurisdiction. And such offender or offenders shall be liable to indictment by the grand jury of the county within which such trespass shall have been committed for any offence or offences done in violation of the above provisions, and on conviction thereof before any court competent to try the same, shall pay a fine not exceeding one hundred dollars to the use of the State, or be imprisoned for a term not exceeding one year, either or both at the discretion of the court before whom such conviction may be had.

Act of 1831 not
to apply.

SECT. 9. That the provisions of an "act concerning corporations," passed March seventeenth, one thousand eight hundred and thirty-one, shall not extend or apply to the company hereby incorporated.

First meeting.

SECT. 10. That the first meeting of the company may be called at Brunswick, by the three persons first named in the first section of this act, by publishing the notice of such meeting three weeks successively, in one or more of the newspapers published at Augusta, Gardiner, Brunswick, and Portland, the last publication to be at least ten days before the time appointed for such meeting.

To carry U. S.
mail.

SECT. 11. That it shall be the duty of said company to transport the United States mail on their railroad for a reasonable compensation, if required so to do by the postmaster general;

and if the postmaster general and the directors of said company cannot agree on the compensation to be allowed by the post office department to said company for such service, then the legislature may require said company to transport said mail for such compensation, not less than the actual expense incurred by said company in the transportation thereof, as the legislature may judge reasonable and proper, *provided* the postmaster general should accede thereto.

SECT. 12. That the portion of this railroad route from Gardiner village to Augusta village, through Hallowell, shall be made and completed within one year from the time that the railroad and works thereon, from the village of Gardiner to the city of Portland, shall have been completed and put in operation; the route and termini to be designated by some skillful and experienced engineer to be employed by said company to make their survey, in the most practicable manner, having due regard to the accommodation of the public and the interests of said company; *provided*, that if such extension in the manner and time aforesaid, in the opinion of said engineer, shall require an extension of their capital stock, then a further time of one year shall be allowed to said company so to complete said route. But no construction shall be given to the provisions of this act which shall tend to exonerate, or prevent said company from the duty or right of connecting the village of Augusta, through Hallowell as aforesaid, in the most commodious manner, with the railroad from Gardiner village to the city of Portland; *and provided further*, that if any other railroad shall be granted by the legislature and its construction commenced, before the time allowed to the corporation by this act to complete the same either between Portland and Augusta, or Gardiner and Augusta, so as to divert travel from this road, then this corporation shall not be required to complete the section between Gardiner and Augusta. *Approved April 1, 1836.*

When to be
completed.
Amended 1841,
chap. 152, and
1845 chap. 273.

LAWS OF 1841, CHAP. 152.

An act to extend the time to locate and construct the Kennebec and Portland Railroad.

Extension of time.

Be it enacted, &c. That the time specified in the first section of the act, granting the charter to the Kennebec and Portland Railroad Company, for the survey to be made and the return of the same, be and the same is hereby extended five years, and the time for the stock to be taken up be and the same is hereby extended ten years, and the time for the completion of the whole road be and the same is hereby extended ten years, from the day this act shall be approved by the Governor; and all parts of the act to which this refers, inconsistent with the provisions of this act, be and the same are repealed. *Approved April 9, 1841.*

LAWS OF 1845, CHAP. 273.

An act in addition to the act incorporating the Kennebec and Portland Railroad Company.

Extension of time.

Be it enacted, &c. SECT. 1. That the time now specified by law, to the Kennebec and Portland Railroad Company, to complete the survey and make return of the same, is extended five years, and the time for the stock to be taken up be and the same is hereby extended to six years, and the time for the completion of the whole road be and the same is hereby extended to ten years, from the day this act shall be approved by the Governor.

Bridges.
35 Me., 319.

SECT. 2. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for the use and exclusive travel on their said railroad, a bridge or bridges, across each of said rivers or streams, or across said tide waters; *provided*, said bridge or bridges, or causeway, shall be so constructed as not to obstruct or impede the navigation of said waters.

Taxes.

SECT. 3. All real estate, purchased by said corporation for the use of the same under the sixth section of the act to which this is an addition, shall be taxable to said corporation in the several towns, cities, and plantations in which said land

ie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality, in such town, city, or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time, one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter, over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation as a tax into the treasury of the State, for the use of the State. And the State may have and maintain an action against said corporation to recover the same. But no other tax, than herein is provided, shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Power of legis-
ture limited.

SECT. 4. Said corporation shall have power to connect their road with any other railroad, at such point as may be most convenient on the route established by the act to which this act is in addition.

Connections.

SECT. 5. The first meeting of this company shall be held in the town of Gardiner; and any three of the persons named in the act of incorporation are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town of Augusta and the city of Portland, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

First meeting.

SECT. 6. All acts and parts, relating to the Kennebec and Portland Railroad Company, inconsistent with the provisions of this act, are hereby repealed. *Approved March 31, 1845.*

Repealed acts

LAWS OF 1841, CHAP. 152.

An act to extend the time to locate and construct the Kennebec and Portland Railroad.

Extension of
time.

Be it enacted, &c. That the time specified in the third section of the act, granting the charter to the Kennebec and Portland Railroad Company, for the survey to be made and a return of the same, be and the same is hereby extended to five years, and the time for the stock to be taken up to six years, and the time for the completion of the whole road to ten years, from the day this act shall be approved by the governor; and all parts of the act to which this refers, inconsistent with the provisions of this act, be and the same are hereby repealed. *Approved April 9, 1841.*

LAWS OF 1845, CHAP. 273.

An act in addition to the act incorporating the Kennebec and Portland Railroad Company.

Extension of
time.

Be it enacted, &c. SECT. 1. That the time now allowed by law, to the Kennebec and Portland Railroad Company to complete the survey and make return of the same, is hereby extended five years, and the time for the stock to be taken up to six years, and the time for the completion of the whole road to ten years, from the day this act shall be approved by the governor.

Bridges.
35 Me., 319.

SECT. 2. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge or causeway, across each of said rivers or streams, or across any such tide waters; *provided*, said bridge or bridges, or causeways shall be so constructed as not to obstruct or impede the navigation of said waters.

Taxes.

SECT. 3. All real estate, purchased by said corporation, for the use of the same under the sixth section of the act to which this is an addition, shall be taxable to said corporation by the several towns, cities, and plantations in which said lands may

lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality, in such town, city, or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time, one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter, over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation as a tax into the treasury of the State, for the use of the State. And the State may have and maintain an action against said corporation to recover the same. But no other tax, than herein is provided, shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Power of leg
ture limited

SECT. 4. Said corporation shall have power to connect their road with any other railroad, at such point as may be most convenient on the route established by the act to which this act is in addition.

Connections

SECT. 5. The first meeting of this company shall be held in the town of Gardiner; and any three of the persons named in the act of incorporation are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the town of Augusta and the city of Portland, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

First meeti

SECT. 6. All acts and parts, relating to the Kennebec and Portland Railroad Company, inconsistent with the provisions of this act, are hereby repealed. *Approved March 31, 1845.*

Repealed a

LAWS OF 1846, CHAP. 341.

An act in addition to the act incorporating the Kennebec and Portland Railroad Company.

Location.

Be it enacted, &c. SECT. 1. The Kennebec and Portland Railroad Company is authorized and empowered to locate their road through and east of the village of Brunswick, and to extend the same to tide waters in the village of Bath by a branch of their road or otherwise, and that part of the road or branch between Brunswick and Bath shall be completed simultaneously with the part of the road between Portland and Brunswick.

Capital.

4 Me., 369,
5 Me., 532.

SECT. 2. The capital stock of said company shall be divided into shares of one hundred dollars each, instead of two hundred dollars, as is provided in the act to which this is in addition.

Bridges.

5 Me. 323.

SECT. 3. The said company shall have the same power to construct bridges and causeways across tide waters in the route of said road and branch, and with the same conditions and restrictions as are granted to the Bath and Portland Railroad Company by the fifteenth section of the act incorporating said company.

SECT. 4. The said company shall have power to complete any section of their road, commencing at Portland and proceeding east, and to take passengers and freight before the whole of the road is built, and charge therefor in the proportion that the distance run bears to the whole length of the road as provided for in the bill to which this bill is in addition.

Meetings legalized.

SECT. 5. The doings of said corporation at their first meeting, called under the act establishing the same, and at the several adjournments thereof, and in calling said first meeting, are hereby made valid in law; and said corporation may at any subsequent adjournment elect in the manner prescribed by law, all the officers provided for by said act, first giving ten days' notice of an intention so to do in some newspaper printed in each of the cities of Boston and Portland, and in each of the towns of Bath, Gardiner, Hallowell and Augusta. *Approved July 16, 1846.*

LAWS OF 1848, CHAP. 100.

An act to authorize the Kennebec and Portland Railroad Company to increase its capital.

Be it enacted, &c. That the Kennebec and Portland Railroad Company is hereby authorized to increase its capital stock by adding thereto the sum of four hundred thousand dollars, to be divided into shares of one hundred dollars each.
Approved June 7, 1848.

May increase stock.

LAWS OF 1850, CHAP. 379.

Be it enacted, &c. SECT. 1. The cities of Augusta, Gardiner and Bath, and the towns of Hallowell, Richmond, Bowdoinham, Topsham and Brunswick, and each of them, or as many of them as shall accept this act, are severally authorized to loan their respective credit to the Kennebec and Portland Railroad Company in aid of the construction and completion of their railroad in amounts as follows, viz: the city of Augusta two hundred thousand dollars, the city of Gardiner one hundred and fifty thousand dollars, the city of Bath two hundred thousand dollars, the town of Hallowell one hundred thousand dollars, the town of Brunswick seventy-five thousand dollars, the town of Topsham thirty thousand dollars, the town of Bowdoinham twenty-five thousand dollars, and the town of Richmond twenty thousand dollars subject to the following terms and conditions.

Such cities and towns may aid as shall accept this act.

Augusta, \$200,000.
Gardiner, \$150,000.
Bath, \$200,000.
Brunswick, \$75,000.
Topsham, \$30,000.
Bowdoinham, \$25,000.
Richmond, \$20,000.
Conditions of loan.

SECT. 2. This act shall not take effect unless it shall be accepted by the directors of said company and then only so far as regards such of said cities and towns as shall by the written or printed votes of the inhabitants of such cities and towns respectively at legal meetings duly called and notified for the purpose, accept the same and determine each for itself the amount of credit which such city or town will loan to said railroad company, not exceeding in any case the sum herein provided to be loaned by said cities or towns respectively; and at least two-thirds of the whole number of votes cast at the meetings aforesaid in said towns and cities shall be necessary

Act when to take effect.

Votes, how taken.

Amount of credit to be loaned to be determined by each city and town.

Two-thirds vote
required.

for the acceptance of this act on the part of said cities and towns respectively.

On what terms
scrip to be
issued.

SECT. 3. Upon the acceptance of the act as aforesaid by any or all of the aforesaid cities or towns the treasurer of each city or town which shall have accepted the act is hereby authorized to make and issue from time to time for the purposes contemplated in this act, the scrip of such city or town for the amount granted by such city or town respectively, in convenient and suitable sums payable to the holder thereof on a term of time not less than twenty nor more than thirty years, with coupons for interest attached, payable annually or semi-annually—and to deliver the same to the directors of said railroad company from time to time as may be required, subject to the several provisions of this act. In all cases the scrip shall bear date at the delivery thereof and the proceeds of the same shall be applied by the directors of the company exclusively to the construction and completion of the Kennebec and Portland Railroad and to the payment of debts incurred for that object.

Term of time.

Date of scrip,
&c.

Bond to be
given on delivery
of scrip.

SECT. 4. Upon the delivery of the scrip as aforesaid, the directors of said company, or the treasurer of the corporation shall execute and deliver to the treasurer of the city or town, for the use of the city or town, furnishing the scrip, the bond of the railroad company in an amount equal to the amount of scrip furnished, payable to such city or town, and conditioned that the company will duly pay the interest on said scrip and will provide for the reimbursement of the principal thereof and hold the city or town (as the case may be) harmless on account of the issue of the same.

Shares to be
given, if required,
as security
for scrip.

SECT. 5. The directors shall also, if required by any city or town, transfer to such city or town upon the delivery of any portion of the scrip as aforesaid, an equal amount in the shares of said company, to be held as security for the faithful performance of all the obligations of the company mentioned in this act; and the certificates of such shares shall be delivered to the treasurer of such city or town and credited in the stock book of the company as fully paid up and not subject to assessments, but the city or town shall not be taken or held to be a stockholder in the company by reason of the transfer of shares

or the purpose aforesaid, nor shall any dividends be made or paid on the same nor any right to vote on the same be claimed or exercised so long as the same shall be held as security as aforesaid.

Cities and towns not considered stockholders.

SECT. 6. From and after the issue and delivery to the directors of any portion of the scrip aforesaid, the several cities and towns furnishing the same shall have a lien upon the said railroad and upon all the property and the franchise of the company (saving a prior lien upon that portion of the road between the junction with the Atlantic and St. Lawrence Railroad in Yarmouth and the junction with the Portland, Saco and Portsmouth Railroad in Cape Elizabeth, as conveyed to the trustees of the persons contributing means to make that portion of said road,) to secure the performance of the conditions of all the bonds executed and delivered under the provisions of this act, and said lien shall be held by the several cities and towns which may lend their credit to said road, in the proportions which the scrip issued by such cities and towns respectively, shall bear to the whole sum of eight hundred thousand dollars, and be enforced in the manner hereafter mentioned.

Lien created on said road to secure the performance of bonds, &c.

SECT. 7. For the purpose of providing for the reimbursement of the principal of the scrip authorized to be issued by this act, a sinking fund shall be established, and shall be under the management of two commissioners, one to be appointed by the mayor and aldermen of cities, and the selectmen of towns which shall accept this act, and one by the directors of the company, and in case of a vacancy in the place of either, the same shall be supplied by the party having the right to fill it. Both of the commissioners shall be appointed and qualified before the delivery to the directors of any of the scrip by said cities or towns. The commissioners shall severally be sworn to the faithful discharge of the duties enjoined upon them, and each of them shall give bond with satisfactory sureties in the penal sum of ten thousand dollars conditioned for the faithful discharge of his duty as commissioner. They shall receive such compensation as may be established by the directors, which shall be paid to them by the company and shall not be diminished during their continuance in office.

Sinking fund.

Commissioners to manage sinking fund, how appointed.

Amended 1853, chap. 178.

Commissioners qualified.

Compensation.

Sinking fund,
how raised.

SECT. 8. Whenever the directors shall receive any portion of the scrip, authorized as aforesaid to be delivered to them, they shall pay to the commissioners two per cent. of the amount of the scrip so delivered, which amount shall be placed by the commissioners to the credit of the sinking fund established by this act. And the directors shall annually in the month of July pay to said commissioners one per cent. of the whole amount of scrip issued and delivered under this act and which shall then be outstanding; but after five years from the delivery and receipt of any portion of the scrip, the said annual payments shall be increased to one and a half per cent. of the amount of the scrip so issued and then outstanding; and the said annual payments of one per cent. for five years and one and a half per cent. annually thereafter shall be successively placed by the commissioners to the credit of the sinking fund and shall constitute a part of the sinking fund established by this act.

Sinking fund,
how managed.

SECT. 9. The commissioners shall have the care, custody and management of all the moneys, securities and property belonging to said fund, and may, at their discretion, invest the same in stocks of the United States or of this State, or in any of the scrip authorized by this act; and such scrip shall not thereby be extinguished, but shall be held by the commissioners, like their other investments, for the purposes of the fund: and said commissioners may, from time to time, sell and transfer any of said securities, and reinvest the proceeds in manner aforesaid.

Sinking fund,
how appropriated.

SECT. 10. The sinking fund aforesaid, and all the sums which shall be added thereto by accumulation or otherwise, shall be reserved and held inviolate for the redemption and reimbursement of the principal of the scrip authorized by this act, at the maturity thereof, and shall be applied thereto by the commissioners.

Stock held by
cities and towns
as collateral se-
curity, how dis-
posed of.

SECT. 11. Any of the shares in the stock of the company, held by any city or town for security, as provided in the fifth section of this act, may be sold and transferred with the consent of the treasurer of such city or town, and of the directors of the road, whenever an exchange thereof can be advantage-

ously made for any of the scrip authorized by this act, or whenever the scrip can be advantageously purchased with the proceeds of any such sale of such collateral shares; and the scrip so purchased or taken in exchange, shall thereupon be cancelled and extinguished, and the amount thereof shall be indorsed on the bond of the company given on the issue and delivery of such scrip.

SECT. 12. If the directors of the company shall at any time fail to pay to the commissioners of the sinking fund the one per cent., or the one and a half per cent. required to be paid to them in July, annually, or fail to pay the coupons for interest on any of the scrip issued under the authority of this act, when due, the treasurer of the cities and towns, respectively, is authorized, at his discretion, after notice to the directors, to sell and transfer so many of the shares held by such city or town for such security, as may be necessary to raise the money to meet such payments.

Treasurers of cities and towns authorized to sell shares of stock in certain cases.

SECT. 13. The commissioners shall keep a true record of all their proceedings, and an account of all the sums paid into the fund, and of the investments of the same; and shall annually in the month of July, report to the mayor and aldermen of cities, and to the selectmen of towns accepting this act, and to the directors of said railroad company, their proceedings for the year, the amount and condition of the fund, and the income of the several parts thereof; and their records and the accounts of the fund, and the securities belonging thereto shall at all times be open to inspection by any committee appointed for that purpose by the directors of the company, or by any city or town interested therein.

Commissioners to keep records of their proceedings, and report annually

SECT. 14. To secure the faithful discharge of the several trusts confided to said commissioners under this act, the supreme judicial court is hereby empowered, upon the complaint of any city or town interested, or of the directors of said railroad company, against the said commissioners, or either of them, concerning any of their said trusts and duties, by summary process, according to the course of proceedings in equity, to hear and adjudge upon the matter of such complaint, and to issue thereon any suitable writ or process, and make any law-

Power of the supreme court to enforce the duties of said commissioners.

ful decree to compel the proper discharge and performance of such duties and trusts, and to remove said commissioners, or either of them.

Shares, &c., to be transferred to the company on redemption of the scrip.

Commissioners authorized to redeem scrip.

SECT. 15. Whenever all the scrip issued and delivered to the directors of said company under authority of this act, shall have been redeemed and cancelled by said company, the shares transferred to the cities and towns, respectively, as collateral security, shall be reconveyed and transferred back to said company, and all the moneys, property and securities in the hands of the commissioners of the sinking fund, shall belong to, and be made over to said company; but if such scrip shall not have been so paid and cancelled at the maturity thereof, then said commissioners shall use the funds and property in their hands to redeem and cancel such scrip; and upon the completion of all the duties enjoined upon the commissioners, their records and accounts shall be deposited with the railroad company.

Mortgage deed to be given to secure lien, &c.

SECT. 16. For the purpose of securing and enforcing the lien upon said road, as provided for in the sixth section of this act, the directors of said railroad company are authorized and required, before receiving any of the scrip authorized by this act, to execute and deliver, for the security of the several cities and towns which may accept this act and loan their credit to said railroad company, a mortgage deed of all their railroad from Portland to Augusta, including the branch to Bath, and of all the corporate property, real and personal, and of the franchise of said company, (subject to the lien already given on that portion of said road lying between Portland and the junction in Yarmouth,) or such proportion thereof as the sums loaned by said cities and towns shall bear to the whole amount herein authorized to be loaned, conditioned to save harmless the said cities and towns from all loss or damage by reason of their so lending their credit; which mortgage deed may be made to the commissioners of the sinking fund, and to their successors, in trust for the several cities and towns, herein named, which shall accept this act and loan their credit to said road, in such proportion to each as they shall severally loan their credit to said road under this act; and the president

said railroad is authorized to execute such mortgage, for and behalf of the railroad company.

SECT. 17. For the purpose of foreclosing such mortgage upon the property and franchise of the company, it shall be sufficient for the commissioners of the sinking fund to give notice, according to the mode prescribed in the fifth section of the hundred and twenty-fifth chapter of the revised statutes, and to be published in any newspaper printed in the city of Bath, and recorded in the office of the register of deeds for the county of Lincoln, within thirty days after the last publication thereof; and if the conditions of said mortgage shall not be performed within three years after such publication, the foreclosure shall be complete, and shall be sufficient to make the title to all the mortgaged property and franchise absolute in the several cities and towns aforesaid, in the proportions in which they respectively may be creditors at the time of the foreclosure; and any transfer of any of the personal property of the company made after publication of such notice to foreclose, without the consent of the said commissioners, shall be wholly void; but lawful transfers and changes of any of the personal property of the company, excepting the franchise, the rails actually laid, and the right of way, may be made notwithstanding such mortgage, before publication of notice of foreclosure as aforesaid; and all personal property acquired by the company by purchase, exchange or otherwise after the execution of such mortgage shall be covered and held thereby.

Mortgage, foreclosure of.

SECT. 18. If the directors of said company shall at any time neglect or omit to pay the interest which may become due on any portion of the scrip issued and delivered under the provisions of this act, or to make the annual payments thereby required for the sinking fund, the commissioners of the sinking fund may take actual possession, in the manner herein provided, of the said railroad and of all the property real and personal of the company and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply the deficiency of interest, and amounts payable to the sinking fund, and all further deficiencies that may occur while the same are so held by them until such deficiencies shall be

Interest, neglect, &c., to pay, commissioners to take possession of road, &c.

Notice of possession, how given.

Possession not to affect certain claims.

Moneys received after said notice, how applied.

Moneys in the hands of treasurer after receiving written notice, to be paid to commissioners.

Payment to commissioners, when made.

fully made up and paid. A written notice signed by said commissioners and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder in the company, stating that the commissioners thereby take actual possession of the railroad and of the property and franchise of the company, shall be a sufficient actual possession thereof and shall be a sufficient legal transfer of all the same for the purposes aforesaid to said commissioners, and shall enable the commissioners to hold the same against any other transfers thereof and against any other claims thereon until such purposes have been fully accomplished; but such possession shall not be considered as an entry for foreclosure under the mortgage, nor shall the rights of the several cities and towns, or of the company under said mortgage be in any manner affected thereby.

SECT. 19. All moneys received by or for the railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held by said commissioners for the benefit of the cities and towns toward their claims in proportion as they may be severally interested, and shall after special notice to the persons receiving the same respectively, be by them paid to the commissioners, which payment shall be an effectual discharge from all claim of the company therefor; but if any person without such special notice shall make payment to the treasurer of the company, such payment shall be good against the commissioners. All moneys received by the treasurer of the company, after such written notice, or in his hands at the time of such notice shall be by him paid to the commissioners, after deducting the amount expended or actually due for the running expenses of the road, for the salaries of the officers of the company and for repairs necessary for conducting the ordinary operations of the road; but payment to the commissioners shall be made at the end of every calendar month and shall be by them applied to the payment of the interest due as aforesaid, and any annual payments of one per cent., or one and a half per cent., hereinbefore provided for which may be in arrear. And any person who shall pay or apply any moneys received as

aforesaid, in any manner contrary to the provisions aforesaid shall be personally liable therefor, and the same may be recovered in an action for money had and received in the name of said commissioners, whose duty it shall be to sue for the same, to be by them held and applied to the purposes aforesaid.

Liability for moneys applied contrary to the provisions of this act.

SECT. 20. If at any time the directors of said railroad company shall wish to sell and convey any of the property mortgaged to said cities and towns not within the lines of the railroad as located, and which may not be necessary for the operation of said railroad, and shall obtain the written consent of the commissioners of the sinking fund that such sale may be made, they may make such sale or sales on condition that the proceeds thereof be paid or secured to said commissioners to be by them added to and preserved as a part of the sinking fund for the purposes aforesaid, and when any sales are so made, the purchaser or purchasers shall hold the property so purchased free from the claim of said cities and towns.

Mortgaged property, sale of, &c.

SECT. 21. This act shall take effect and be in force from and after its approval by the governor. *Approved August 17, 1850.*

LAWS OF 1851, CHAP. 447.

Be it enacted, &c. SECT. 1. The board of directors of said company hereafter to be chosen shall be not less than seven directors and that the secretary and treasurer shall not be required to be elected from their own body. *Approved June 3, 1851.*

LAWS OF 1853, CHAP. 178.

An act to authorize the commissioners of the sinking fund as provided in chapter three hundred and seventy-nine, section seven of the special acts of eighteen hundred and fifty to make certain investments of said fund.

Commissioners of sinking fund.

Be it enacted, &c. SECT. 1. The commissioners of the sinking fund provided for in the act above named to which this is additional are hereby authorized to invest said fund or any part thereof in the scrip or notes issued by any county in this State or in the stock issued to the contributors of that portion

Authority of commissioners to invest funds in scrip or notes of any county in this State.

Lien on a portion of the road prior to certain cities and towns.

of the road between the junction with the Atlantic and St. Lawrence Railroad in Yarmouth, and the junction with the Portland, Saco, and Portsmouth Railroad in Cape Elizabeth, upon which said contributors hold a lien prior to the cities and towns named in said act.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved March 30, 1853.*

LAWS OF 1857, CHAP. 95.

An act to secure the safety of the public travel at Sewall's crossing in the city of Bath.

When approaching the blind crossing, engineman to reduce speed.

Be it enacted, &c. SECT. 1. Whenever any engineman in charge of any locomotive engine with the train attached, or running without a train, shall approach the railroad crossing near Sewall's mills, in the city of Bath, on the Kennebec and Portland Railroad leading from Brunswick to said Bath, known as the "blind crossing," it shall be the duty of said engineman to reduce the speed of his engine at some point within the distance of two hundred feet from said crossing, and to pass over said crossing at a rate of speed not exceeding six miles per hour, and ring the bell of said engine till it and the train has passed said crossing.

Penalties.

SECT. 2. For every violation of this act, the engineman so offending shall forfeit the sum of one hundred dollars, and said corporation, the sum of two hundred dollars, to be recovered by indictment in the county of Sagadahoc, one-half for the use of the person prosecuting, and the other half for the use of said county. *Approved April 13, 1857.*

LAWS OF 1857, CHAP. 106.

An act additional to an act to incorporate the Kennebec and Portland Railroad Company.

Authorized to alter location.

Be it enacted, &c. SECT. 1. The Kennebec and Portland Railroad Company is hereby authorized, at any time within three years after the passage of this act, to alter the location of its road, or any part of it, between a point in its present

track, on the southerly side of the road leading from Bramhall's hill to Libby's corner, said road being a continuation of Congress street, in the city of Portland, and the junction of said Kennebec and Portland railroad with the Portland, Saco and Portsmouth railroad in Cape Elizabeth, so as to avoid crossing Fore river, and connect with the Portland, Saco and Portsmouth railroad, in Portland. And said company is further authorized, in case the aforesaid alteration shall be made, to alter the location of its road, within the time aforesaid, between the southerly side of the county road leading from Deering's bridge by the dwelling house of the late James Deering, in Westbrook, to Saccarappa village, and the northerly side of its road leading from said Deering's bridge to the junction in Cape Elizabeth aforesaid, so as to avoid crossing said bridge; *provided*, that said location shall upon the upland be confined to the field east of the Haley house, and last owned by Harriet Deering; and that the track in the cove shall be an open bridge, so constructed as not unnecessarily to obstruct the passage of the water in said cove; *and provided, further*, that said company, in exercising the rights granted by this act, shall be subject to all the provisions of existing laws in relation to railroads and railroad companies.

Further authorized.

Proviso.

SECT. 2. If in making such change of location it shall be found absolutely necessary to take part of Canal street, in Portland, and the inhabitants of said city shall consent thereto, at a legal meeting called for that purpose, the said company is authorized to locate and make a part of its railroad along and upon part of said Canal street, upon such terms and conditions as the city government in writing shall require of them prior to such location along and upon said Canal street. And no such location shall be legal without entire compliance with such terms and conditions; *and provided, always*, that in making such change of location, the said company shall not locate any part of its railroad so as to interfere with the rights heretofore granted to the Lake Sebago Railroad Company, or any other corporation, without the written consent of said corporations first obtained.

Location, by consent of city &c.

SECT. 3. Said railroad company is hereby made subject to

Subject to general laws.

Clerk to file certificate.

all the general laws of the State relating to railroads, and it shall not have the benefit of any of the provisions of this act until the clerk of said company shall file in the office of the secretary of State, a certificate, signed and sworn to by him, that this act has been accepted by a vote of the stockholders at a meeting thereof. *Approved April 14, 1857.*

LAWS OF 1862, CHAP. 182.

An act additional to "an act to incorporate the Kennebec and Portland Railroad Company."

Authorized to change location of road.

—curve of new location defined.

Proviso.

Further proviso.

Be it enacted, &c. SECT. 1. The Kennebec and Portland Railroad Company is hereby authorized at any time, within three years, to alter and change the location of their road from such point thereof between Deering's bridge and Grove street in Portland, and the York and Cumberland Railroad in Westbrook, as shall make the curve of the new location hereby authorized of a radius of six hundred and thirty-seven feet at grade, or of ten hundred feet; *provided*, said railroad passes under the county road, and the said company in exercising the rights and privileges granted by this act, shall be subject to all the provisions of existing laws in relation to railroads and railroad companies; also, *provided*, that a sufficient sluiceway for the passage of the water in the mill pond shall be made, but said railroad shall not cross the highway leading from Portland to Saccarappa, at grade, without the consent of the commissioners of Cumberland county.

Further change of location.

SECT. 2. Said Kennebec and Portland railroad company is also authorized to change their location so as to run from the angle of Canal street across the Portland, Saco and Portsmouth railroad in Portland, to the lot lately purchased of Tyler and Rice for a station, with one or more tracks, instead of running into the depot of the Portland Saco and Portsmouth road. *Approved March 15, 1862.*

A full history of the foreclosure of the bonds issued by the Kennebec and Portland Railroad Company may be found in fifty-nine Maine Reports, page nine. See also volume fourteen Wallace Reports, page twenty-three.

LAWS OF 1864, CHAP. 295.

An act additional to incorporate the Portland and Kennebec Railroad Company.

Be it enacted, &c. SECT. 1. The Portland and Kennebec Railroad Company is hereby authorized at any time within three years to locate its road from a point in the track of the York and Cumberland railroad, about five hundred feet northerly of the intersection of said railroad with the north line of the road leading from Deering's bridge to Saccarappa, and thence on a radius of seven hundred and twenty-five feet to a post in the westerly corner of the Haley house lot; thence on the same radius to a point ten and one-half feet from the fifteenth and last tree in a row of elm trees running across the Deering field and near the mill pond; thence by said radius till it intersects the present track of the Portland and Kennebec Railroad on the southerly side said mill pond, the line described, being the central line of said location, which is not to exceed three rods in width, except the same shall be necessary for slopes or fills, and the track of said road to be so constructed as not to obstruct the flow or reflow of tide water, nor materially to diminish the capacity of said mill pond at any season of the year. Said road leading from Saccarappa shall be crossed at grade, and subject to such regulations as may be prescribed by the county commissioners of Cumberland county.

Authorized to locate road.

—location.

—how constructed.

SECT. 2. Said Portland and Kennebec Railroad Company is also authorized to change the location of its track from a point in its present line, north of Danforth street in Portland, crossing under said street, and thence along the line of the Cumberland and Oxford canal, and to the depot of the Portsmouth, Saco and Portland Railroad Company in Portland: *provided*, that in crossing under Danforth street said company shall conform to such regulations as shall be prescribed by the government of the city of Portland; and this act shall take effect on its approval by the governor. *Approved January 27, 1864.*

Authorized to change location.

Proviso.

LAWS OF 1864, CHAP. 830.

An act authorizing the Portland and Kennebec Railroad Company to extend their road in Bath.

Authorized to extend, &c., road in Bath.

Location.

Proviso.

Be it enacted, &c. SECT. 1. The Portland and Kennebec Railroad Company is hereby authorized to locate and extend its railroad along and upon the whole or any part of Commercial street, in the city of Bath, in the county of Sagadahoc, from a point at or near the depot of said company in said city, *provided*, the city council of said city at any legal meeting thereof, shall consent thereto, and upon such terms and conditions as the said city council shall prescribe.

Authorized to locate road from depot to certain wharves

—if allowed by city council.

SECT. 2. The said railroad company is hereby authorized to locate their said railroad from their said depot or their said extension to and upon any wharf or wharves north or south of their said depot, as the said city council shall at a legal meeting thereof, allow, and under such terms, conditions and restrictions as the said city council shall prescribe and determine.

Not to be deemed an encumbrance.

SECT. 3. The extension of the said railroad authorized by this act shall not be deemed an encumbrance of any street through or upon which it may be located by virtue of this act, and the said company in exercising the rights granted by this act shall be subject to all the provisions of existing laws relating to railroads and railroad companies. *Approved February 29, 1864.*

LAWS OF 1864, CHAP. 391.

An act to authorize the Portland and Kennebec Railroad Company to extend the track of its road in Augusta.

Authorized to extend track of road.

S. and Ken. R. R., rights of not to be impaired.
Location.

Be it enacted, &c. SECT. 1. The Portland and Kennebec Railroad Company is hereby authorized to extend the track of said road from its depot in Augusta to Laurel street in said city.

SECT. 2. No rights heretofore granted to the Somerset and Kennebec Railroad Company shall be impaired by this act; nor shall any location under it be made upon land located upon by said Somerset and Kennebec Railroad Company; nor shall

this act extend the right to use the road of the last named company after the expiration of the lease between the two corporations before named.

SECT. 3. This act shall be subject to the provisions of chapter fifty-one of the revised statutes, relating to railroads.

Subject to provisions of Chap. 51, R. S.

SECT. 4. This act shall take effect when approved. *Approved March 23, 1864.*

LAWS OF 1864, CHAP. 411.

An act to enable stockholders in the Kennebec and Portland Railroad Company to call a meeting for the choice of officers.

Be it enacted, &c. SECT. 1. In case of an omission to call the annual meeting of the Kennebec and Portland Railroad Company the current year by the persons, if any in whom the power to call such meeting now rests, any justice of the peace for the county of Kennebec, Cumberland or Sagadahoc, upon written application made to him for the purpose, by three stockholders in the said company, at any time during the present year, may issue his warrant to either of such applicants directing him to call a meeting of the said corporation at some suitable place within either of the said counties, to be named by the said justice, and at such time as the said justice shall appoint for the election of the officers thereof, by publishing in a newspaper printed in each of the said counties, and in the State paper, seven days at least before the day fixed for the meeting, a notice setting forth the time, place and purpose of such meeting.

Kennebec and Portland R. R. Co., annual meeting of holders may be called

Officers, election of.

SECT. 2. All officers duly elected at such meeting are to hold their respective offices and their official acts are to be considered legal until other officers are legally chosen and qualified in their stead.

Term of office

LAWS OF 1865, CHAP. 430.

An act additional to incorporate the Portland and Kennebec Railroad Company.

Be it enacted, &c. SECT. 1. The Portland and Kennebec Railroad Company, is hereby authorized so to locate its track,

Location of track.

Co. commis-
sioners to
establish
regulations as
to streets
crossed.

May issue stock
to raise funds
in construction
of roads, &c.

May raise funds
by bonds.

Shall transport
freight and
passengers of
York and Cum-
berland road.

between Morrill's corner in Westbrook and its new depot in Portland, as to pass west of the dwelling house of the late James Deering in Westbrook. Streets crossed at grade shall be subject to such regulations as to crossing, as may be from time to time prescribed, by the county commissioners for the county of Cumberland. Said company may issue its stock to raise funds with which to construct said road, and make improvements upon other portions of its line, and equipments, and to extinguish prior incumbrances on said road, which stock shall stand, in all respects, like the stock of said company issued upon the bonds and coupons of the Kennebec and Portland Railroad Company, dated October fifteen, eighteen hundred fifty-two; and may also raise funds by loan for like purposes, which shall stand secured upon the whole line of said road, subject only to existing mortgages.

SECT. 2. Said corporation shall, on request, transport the freight and passengers coming from, or going to the York and Cumberland Railroad, or any other connecting railroad, at all reasonable times, and for a toll not exceeding its ordinary rates.

SECT. 3. This act shall take effect from its approval by the governor. *Approved January 28, 1865.*

THE SOMERSET AND KENNEBEC RAILROAD

extends from Augusta to Skowhegan, thirty-seven and three-quarters miles and is leased to the Maine Central Railroad for nine hundred and ninety-nine years from the first day of June, 1870.

LAWS OF 1848, CHAP. 186.

An act to incorporate the Somerset and Kennebec Railroad Company.

Corporators.

Be it enacted, &c. SECT. 1. That William R. Flint, James T. Leavitt, Stephen Weston, of Madison, Daniel Stewart, Judah McLellan, James B. Dascomb, Drummond Farnsworth, John S. Tenney, John S. Abbot, Moses Littlefield, Henry P. Pratt,

Franklin Smith, Elisha Coolidge, William Lowell, Horatio Cross, William Rowell, Chandler Baker, Joseph Spaulding, Charles B. Foster, William Conner, Ezra Totman, R. K. J. Porter, B. T. Densmore, and Abner Coburn, Daniel Bunker, George C. Getchell, of North Anson, Thomas H. Weston, Nathan Weston, of West Madison, James M. Hilton, of Starks, Alpheus Lyon, Ivory Low, Joseph S. Clark, of Fairfield, David White, W. M. E. Brown, of Solon, Edward Webster, of Carratunk, Moses E. Pike, of Norridgewock, Edward McLellan, Hiram Getchell, of Skowhegan, Daniel Snow, of Bloomfield, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of the Somerset and Kennebec Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof or interruptions in exercising and performing the same. And the said corporation are hereby authorized, and empowered to locate, construct, and finally complete, alter, and keep in repair a railroad with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the county of Somerset at or near Carratunk falls, thence down the valley of the Kennebec river through either of the towns adjacent to said river, passing through the villages in the towns of North Anson, Norridgewock, Bloomfield or Skowhegan, and Kendall's Mills, in Fairfield, to the town of Waterville near the Ticonic falls in the county of Kennebec; with the right to connect with the Androscoggin and Kennebec Railroad at Waterville, and the right to connect with the Penobscot and Kennebec, or the Belfast and Waterville Railroad at some some convenient point in the town of Sebec or Clinton, and with the right to extend their said railroad, on either side of the Kennebec river, and to connect the same with the Kennebec and Portland railroad at some point in Augusta, north of the Kennebec bridge, if the Penobscot and Kennebec Rail-

Corporate name

Authorized to build railroad, &c.

43 Me., 358.

Route of road.

Authorized to connect with certain other railroads.

Change of route authorized 1871 Chap. 622, and 1874, Chap. 629.

Amended 1853,
chap 5.

Powers, privi-
leges and im-
munities.

Power to take
land.

Right to take
and hold real
estate.

Right to take
materials.

Proviso.

Corporation
shall pay for
land and mate-
rial taken.

Damages, how
determined, in
case of disagree-
ment.

Application for
damages to be
made within
three years.

Right of com-
pany to remove
trees liable to
obstruct road.

Compensation
for.

road Company shall not locate and make their railroad to Augusta within the times limited in their charter for so doing. And said corporation shall be and hereby are invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken; *provided, however*, that said land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavation or embankment; and *provided also*, that in all cases said corporation shall pay for such lands, estate, or material so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands, or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of such road, which by their liability to be blown down, or from their natural falling, might obstruct, or impair said railroad, by paying a just compensation therefor; to be recovered in the same manner as provided for the recovery of other damages in this act.

SECT. 2. The capital stock of said corporation shall consist

of not less than fifteen hundred nor more than eight thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven, or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than ten thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the towns of North Anson, Norridgewock, Skowhegan, and Waterville and elsewhere as they shall appoint, to remain open for five successive days, at least, of which time and place of subscription public notice shall be given in one or more of the newspapers printed in the county of Somerset or in the county of Kennebec, ten days at least before the opening of such subscription. And any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation for the choice of directors and organization, by giving notice in one or more newspapers published as above named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Capital stock
45 Mo., 531.

Government
vested in direc-
tors.

Directors, how
chosen.

—term of office.

Quorum.

President.

Clerk.

Treasurer.

Bond.

Stock books to
be opened.

Notice of, to be
given.

Meeting for
organization.

SECT. 3. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims by reason of taking such land and estate as aforesaid, for damages and give good and valid releases and discharges therefor.

When land is
taken of infant,
person non
compos mentis,
&c.

President and directors to exercise all powers necessary to carry into effect objects of this grant.

Assessments.

45 Me., 532.

Assessments, notice of.

—non-payment of.

Shares may be sold.

Delinquent stockholders, liability.

Proviso.

Toll granted.

SECT. 4. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines, and cars, and other necessary things in the name of the corporation for the use of said road and for the transportation of persons, goods, and property of all descriptions, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of the corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares in said corporation, of a greater amount in the whole than one hundred dollars.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the cor-

Construction of wheels, the form of cars, and carriages, the weights loads, and all other matters and things in relation to said ad, shall be in conformity with such rules, regulations, and ovisions as the directors shall from time to time prescribe d direct.

Construction of wheels, carriages and weight of loads.

SECT. 6. The legislature may authorize any other company companies to connect any other railroad, or railroads, with e railroad of said corporation, at any points on the route of id railroad. And said corporation shall receive and trans- rt all persons, goods, and property, of all descriptions, which ay be carried and transported to the railroad of said corpora- on, on such other railroads as may be hereafter authorized to connected therewith, at the same rates of toll and freight, may be prescribed by said corporation, so that the rates of ight and toll of such passengers, goods, and other property may be received from such other railroads so connected with id railroad as aforesaid, shall not exceed the general rates of ight and toll on said railroad received for freight and pas- sengers at any of the deposits of said corporation.

Connections with other railroads.

SECT. 7. If any railroad in the course thereof shall cross any ivate way, the said corporation shall so construct said rail- road as not to obstruct the safe and convenient use of such ivate way; and if the said railroad shall in the course thereof, oss any canal, railroad or other highway, the said railroad shall : so constructed as not to obstruct the safe and convenient use such canal, or highway; and the said corporation shall have ower to raise or lower such highway, or private way; so that e said railroad, if necessary, may conveniently pass over or nder the same, and erect such gate or gates thereon, as may e necessary for the safety of travellers on said railroad, high- ay, or private way, and shall keep all bridges and embank- ents necessary for the same in good repair.

Not to obstruct use of any private way, canal, turnpike or other highway.

SECT. 8. Said railroad corporation shall erect and maintain istance, legal and sufficient fences on each side of the land ken by them for their railroad, where the same passes through nclosed or improved lands, or lands that may be hereafter mproved.

Fences to be erected.

SECT. 9. The said corporation shall at all times, when the

Holden to
transport U. S.
mail.

Compensation.

Bound to keep
road in good
repair.

Lien created for
toll.

Corporation
may continue
their road by
complying with
requirements
of this act.

Proviso.

Malicious mis-
chief and tres-
pass.

Penalty.

postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages, and vehicles, for transportation of persons, and articles, and be obliged to receive at all proper times and places, and convey the same, when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. And said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise to pass over said railroad, other than its own, furnished and provided for that purpose as herein enjoined, and required; *provided however*, that said corporation shall be under obligations to transport over said road, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act as to rates of toll, and all other particulars enumerated in said sections.

SECT. 10. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials, or implements to be employed in the construction of, or for the use of said road, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for before any justice or in any court proper to try

the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And each offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for term not exceeding five years, at the discretion of the court, before whom such conviction may be had.

SECT. 11. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures, and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation, shall make an exhibit under oath to the legislature of the profits derived from the income of said railroad.

Books of receipts and disbursements.

Annual exhibit.

SECT. 12. All real estate purchased by said corporation, for the use of the same, under the fourth section of this act, shall be taxable to said corporation by the several cities, towns, and plantations, in which said land lies, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as other adjacent lands of the same locality, in such city, town, or plantation, and not otherwise, and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside, and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time one moiety or such other portion as the legislature may from time to time determine of the net income of said railroad, accruing thereafter, over and above ten per centum per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation as a tax into the treasury of the State, for the use of the State;

Taxation of real estate.

Valuation.

Shares deemed personal estate.

When net income shall amount to ten per cent.

and the State may have and maintain an action against said corporation therefor, to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Annual meeting.

Directors, how chosen.

Special meetings.

Power of legislature to inquire into doings of said corporation, &c.

43 Me., 366.

Time for locating and completing said road.

Forfeiture of this act.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in August, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 14. The legislature shall at all times have the right to inquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation; and to correct and prevent all abuses of the same and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel compliance with the provisions, liabilities, and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations.

SECT. 15. If the said corporation shall not have been organized and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-two, or if the said corporation shall fail to complete said railroad to North Anson, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, in either of the above-mentioned cases this act shall be null and void. *Approved August 10, 1848.*

LAWS OF 1852, CHAP. 555.

act to alter the charter for the Somerset and Kennebec railroad by extending the time for locating and making the same.

Be it enacted, &c. If the Somerset and Kennebec Railroad Company shall not have been organized, and a location from southern terminus, to Bloomfield or Skowhegan, duly made and filed with the county commissioners of the counties through which it may pass, on or before the thirty-first day of December in the year one thousand eight hundred and fifty-two, or if the said company shall not construct and complete a portion of their road on or before the thirty-first day of December in the year one thousand eight hundred and sixty-two, then the charter of said company shall be void, but otherwise it shall continue in force. *Approved April 5, 1852.*

Location, when made and filed

Road, when to be completed.

LAWS OF 1853, CHAP. 5.

act additional to an act to incorporate the Somerset and Kennebec Railroad Company.

Be it enacted, &c. SECT. 1. The said act is hereby amended the first section thereof, and in the second period of said section, by striking out the words "in the town of Sebec and Clinton," and by further striking out, at the end of said period or sentence, the words "if the Penobscot and Kennebec Railroad Company shall not locate and make their railroad to Augusta, within the time limited in their charter for so doing," so that the period or sentence after the words "Androscoggin and Kennebec Railroad at Waterville," shall read as follows: and the right to connect with the Penobscot and Kennebec, and the Belfast and Waterville roads, at some convenient point, and with the right to extend their said railroad on either side of the Kennebec river and to connect the same with the Kennebec and Portland Railroad, at some point in Augusta, north of the Kennebec bridge.

Act, how amended.

Act, as amended.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 5, 1853.*

LAWS OF 1871, CHAP. 622.

An act to authorize the Somerset and Kennebec Railroad Company to connect its railroad with the Maine Central Railroad in the town of Waterville.

S. & K. Railroad Co. authorized to connect its road with M. C. Railroad in Waterville.

Be it enacted, &c. SECT. 1. The Somerset and Kennebec Railroad Company is hereby authorized to connect its railroad with the Maine Central Railroad, in the town of Waterville, by commencing at a point near the west end of the railroad bridge over the Kennebec river, and thence running northerly to a point on the Maine Central Railroad near the dwelling-house of Samuel K. Smith in said Waterville; the land to be taken in conformity to the laws of this State, and just compensation shall also be made by said corporation for the injury done by a location of the proposed railroad in and over Front street, to the owners of any property abutting thereon and opposite said track.

SECT. 2. This act shall take effect when approved. *Approved February 15, 1871.*

LAWS OF 1874, CHAP. 629.

An act authorizing the Somerset and Kennebec Railroad Company to change its location below Kendall's Mills.

Authorized to locate and construct railroad.

May discontinue certain portions of road.

Not to affect bonds of company.

Be it enacted, &c. SECT. 1. The Somerset and Kennebec Railroad Company is hereby authorized to locate, construct and maintain a track or tracks of its railroad between Kendall's Mills in Fairfield and Waterville village on the west side of the Kennebec river; the same to be located from Kendall's Mills to Waterville depot, over the ground where the cars now run, and thence on the same road where the cars now run to the west end of the bridge of said Somerset Railroad, and said company may discontinue operating such part of its old line of railroad as shall be rendered unnecessary by the construction and operating of the tracks hereby authorized, and no act of the legislature heretofore passed relating to the charter or alteration of the location of said road shall affect in the least the validity of any bonds heretofore lawfully issued by said company, or any authority of the trustees of the bondholders. *Approved March 4, 1874.*

CONTRACT

For lease of the Somerset and Kennebec Railroad to the Portland and Kennebec Railroad.

MEMORANDUM OF AN AGREEMENT between the Somerset and Kennebec Railroad Company on the first part, and the Portland and Kennebec Railroad of the second part, *witnesseth* :

First, That the party of the first part hereby leases to the party of the second part its railroad, from its terminus in Augusta to its depot in Skowhegan, inclusive, with its buildings, its lands, (with the exception appearing in schedule "A.") its appurtenances, privilege and other property named in the detailed report and schedule of Messrs. Sewell & Wildes, which, or a copy thereof, is to be hereunto annexed marked "B," with such authority under the franchise as may be necessary for the assessing and collecting of tolls, freights and fares, &c., and generally for the efficient operating of said road, and protecting the same from injury, for the term of twenty years from October 1, A. D. 1863, upon the conditions and terms hereinafter appearing.

Second, The party of the second part is to take, manage and operate said railroad at its own expense and risks, and for its own benefit, and to save the party of the first part and its bondholders and stockholders harmless from all expense, loss and damage arising therefrom, and to pay all taxes that shall be assessed upon the corporation of the party of the first part, and upon the real and personal estate taken by the lease, but not including any tax upon the stock or bonds of said company. Said railroad is to be operated by said party of the second part in general connection with its own road and for the transaction of the business of the community upon and connected with it.

Third, Said party of the second part is also to maintain and keep up in good order and condition said railroad, including the road-bed, superstructure, bridges, culverts, buildings, fences, appurtenances and all that it takes by this lease and to return the same at the termination of this lease in as good order and condition in all respects as when received.

Fourth, Said party of the second part is to have the right to use the name of the corporation of the party of the first part in operating said railroad if deemed necessary, holding said corporation and its stockholders and bondholders harmless therefrom. Said party of the first part is to do their acts necessary on the part of the corporation for the extension of the time of payment of the mortgage bonds on its road when they fall due to prevent a foreclosure of the same, and in case it shall fail so to do, said party of the second part shall have the right so to do, and in case of paying any bonds or coupons necessary to prevent such foreclosure, said party shall be entitled to hold the same by the side of others of the same kind, but with the foreclosure prevented and discharged.

MAINE CENTRAL RAILROAD.

Fifth, Said party of the second part is also to perform the obligation and requirements stipulated by the laws of the State and the charter and by-laws of the said Somerset and Kennebec Railroad Company necessary to preserve the charter and franchise of said corporation, and protect the rights of the same, not including in this stipulation the election of officers, or the keeping up of the organization of the corporation with power to act as such, which rights are not granted or impaired. Said party is also to keep an insurance in the name of the corporation of the first part upon the bridges and buildings to an amount of not less than forty thousand dollars, the amount received in case of loss to be expended by the party of the second part in replacing any bridges or buildings injured or destroyed.

Sixth, And said party of the second part is to pay the treasurer of the party of the first part for the use of the mortgage bondholders of said company entitled to receive. The name of the said mortgage bondholders shall claim possession of the earnings of said railroad; and a treasurer shall be appointed under their authority and notice thereof be given to the other party, then to such treasurer an annual rent of \$86,000 per year, payable quarterly, at the end of each quarter.

Seventh, A descriptive report of the condition of the railroad and other property leased, made by Messrs. Sewell and Wildes, railroad commissioners, and to be annexed, or a copy thereof is to be a standard for comparison, showing the condition of the road and other property when received, and at the termination of the lease, said board of railroad commissioners, if then in existence, shall determine as to the condition of said road at that time, and whether or not it is up to the standard when received, including all appurtenance and property leased. If no such board shall then be in existence, such determination shall be made by a board of three disinterested men to be appointed by the parties, or in case they cannot agree, by the chief justice of the supreme court of the State, upon application of either party, and notice to the other party.

Eighth, In case said party of the first part shall at any time be dissatisfied with the condition in which said railroad and other property shall be kept, it may call upon the railroad commissioners of the State, or upon the board to be appointed as aforesaid, to make an examination, and if such board of commissioners or other board shall determine that the same is not kept up to the standard it shall be the duty of the party of the second part to bring the same up to the standard of condition when received, within such time as shall be by said board prescribed, the expense of such examination to be paid by the party in fault; and if said party of the second part shall neglect to keep said road and appurtenances in repair and condition as above specified, or to pay the rent stipulated to be paid, as the same shall be due, the party of the first part shall have the right to terminate this lease and to take possession of said road and other property leased, if such neglect to pay the rent and interest due thereon shall continue more than sixty days after it falls due, or if such neglect to bring the road and property leased up to said standard shall continue more than ninety days after the expiration of the time prescribed by the board for making the repairs in written notice of the intention to claim such termination.

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Ninth, The expense of making the examination of said railroad by the railroad commissioners required by law is to be paid by the party of the second part.

Each party is to be entitled to the benefit of any mail contracts over said road in proportion to the time they shall severally transport the mails.

The officials of the Somerset and Kennebec Railroad Company are to pass free over said road, and the stockholders and mortgage bondholders at special and annual meetings, and also the board in making any examination. The party of the second part is to have the benefit of all unexpired policies of insurance on the bridges, buildings, wood, &c., they paying the proportional amount of the premiums for the unexpired term.

The expense of making the detailed report is to be paid half by each party, as also that of making the comparative examination at the termination of this lease.

This lease is subject to the agreements made by the party of the first part with the owners of land over which its road passes, in relation to farm crossings, cattle passes and culverts, and to the agreement with the North Vassalboro Manufacturing Company, and with Hiram Burrill, for the use for storings at their own risk free of charge, of their goods in a part of the buildings of the corporation lands which they contracted to erect.

Dated at Augusta, January first, A. D. 1864.

In witness whereof the undersigned have hereunto set the names and affixed the seals of our respective corporations.

Somerset and Kennebec Railroad Company,

[L. s.]

By JOS. EATON,
ABNER COBURN,
JAMES W. BRADBURY,

} Committee of the directors of
the Somerset and Kennebec
R. R. Co. in behalf thereof.

In presence of
J. W. BRADBURY, JR.

[\$1.00 U. S. Revenue Stamp.]

Portland and Kennebec Railroad Company,

[L. s.]

By R. D. RICE,

President of the Portland and Kennebec R. R. Co.

[The foregoing lease was duly acknowledged by the parties thereto, January 12, 1864.]

EXTENSION LEASE.

WHEREAS, the Somerset and Kennebec Railroad Company, on the first day of January, A. D. 1864, executed a lease of its road and appurtenances to the Portland and Kennebec Railroad Company for the term of twenty years from the first day of October, A. D. 1863, upon the conditions and terms set forth in said lease, a copy of which is hereunto annexed.

And whereas said Somerset and Kennebec Railroad Company, at a meeting of the stockholders thereof on the 29th day of March, A. D. 1870, passed a vote, a copy of which is also annexed, authorizing its directors to enter into a contract continuing said lease for the term of nine hundred and ninety-nine years, upon the conditions and terms specified in said lease and vote.

MAINE CENTRAL RAILROAD.

And said directors, at a meeting thereof held on the first day of June, A. D. 1870, voted so to continue said lease, and authorized its president, **ABNER COBURN**, to execute such contract of extension in behalf of said corporation.

Now be it known, that said Somerset and Kennebec Railroad Company, for the consideration in said vote and lease appearing, hereby agree with said Portland and Kennebec Railroad Company to extend said lease and hereby continues and extends the same for said term of nine hundred and ninety-nine years from the first day of June, 1870, upon the conditions being performed and the terms complied with on the part of the lessees set forth in said lease and vote.

And said Portland and Kennebec Railroad Company hereby agrees to perform each and all of the stipulated terms and conditions on its part to be performed; to have and to hold said railroad and appurtenances by said Portland and Kennebec Railroad Company or its assigns during said term, they, the said lessees, fulfilling the conditions and terms on their part to be performed.

Done at Augusta this first day of June, A. D. 1870.

In witness whereof the undersigned, duly authorized for the purpose, have hereunto affixed the seals and set the names of our respective corporations.

Somerset and Kennebec Railroad Company, [L. s.]
By **ABNER COBURN**, *President*.

Portland and Kennebec Railroad Company, [L. s.]
By **R. D. RICE**, *President*.

THE ANDROSCOGGIN RAILROAD COMPANY

extends from Brunswick to Leed's Junction, twenty-seven and three-quarters miles with a branch track to Lewiston, five miles.

LAWS OF 1848, CHAP. 184.

An act to establish the Androscoggin Railroad Company.

Be it enacted, &c. SECT. 1. That William Kilbourn, Joseph Additon, John E. Baxter, George Gage, Cyrus G. Morrill, Dimon Furnel, John F. W. Gould, Leavitt Lothrop, Ensign Otis, John Gillmore, Josiah Day, second, Samuel Marr, Thomas Francis, Isaac Boothby, George K. Stinchfield, Giddings Lane, Ozias Millett, Issachar Lane, Walter Foss, Uriah Foss, Lewis Hunton, David Benjamin, William B. Small, Francis F. Haines, Ezekiel Treat, Jr., Cyrus Morrison,

orporators.

MAINE CENTRAL RAILROAD.

James Ford, Stillman Noyes, Aruna Holmes, Silas Jones, Jr., Francis Lawrence, Elisha Hayes, Veranes Niles, John Wyman, Joseph N. White, Elisha H. Pettingill, Elisha Pettingill and Comfort Pettingill, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of the Androscoggin Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof or interruption in performing the same. And the said corporation are hereby empowered and authorized to locate, construct, and finally complete, alter, and keep in repair, a railroad with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point or place in the line of the Androscoggin and Kennebec Railroad, either in the town of Greene, or in the town of Monmouth, and thence running northerly through the towns of Monmouth or Greene and Leeds and East Livermore, Wayne, Fayette or either of said towns to Jay bridge, in such a route as the directors of said corporation in the exercise of their best judgment or discretion shall judge most favorable, and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation are hereby invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken; *provided, however*, that said land so taken shall not exceed six rods in width except where greater width is neces-

Corporate

Location.

Amended
ch. 276 and
ch. 390 and
ch. 386 and
and 1865,
512 and 18
ch. 212.

Powers, p
leges, &c.

Damages, how
determined.

May fell or re-
move trees.

General powers
&c.

Land taken
from persons
under guard-
ianship, &c.,
damages how
adjusted.

Capital stock.

sary for the purpose of excavation or embankment; and *provided also*, that in all cases said corporation shall pay for said lands, estate, or material so taken and used, such price as they and the owner or respective owners thereof may agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands, or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of said road, which by their liability to be blown down, or by their natural falling, might obstruct, or impair said railroad, by paying a just compensation therefor; to be recovered in the same manner as is provided for the recovery of other damages in this act. And, furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

SECT. 2. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land or estate aforementioned, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than one thousand nor more than five thousand

shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine, or eleven directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the board who shall also be president of the corporation, and they shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer who shall be sworn, and who shall likewise give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than ten thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the towns of Wilton, East Livermore, Leeds, and Lewiston, and in the cities of Bath and Portland, in this State, and also in the city of Boston, in the State of Massachusetts, and elsewhere, as they shall appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Lewiston, Portland and Boston, twenty days at least previous to the opening of said subscription; and in case the amount subscribed shall exceed five thousand shares, the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in the towns and cities last above named, and of the time and place and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

Amended 184
ch. 276 and 18
ch. 9.

Directors, &c

President.

Clerk.

Treasurer.

Bonds of.

Subscription
books.

When opened

—to remain
open ten days

—notice of,
how given.

First meeting
how called.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the laws and constitution of this State, for their own

By-laws, &c

government, and for the due and orderly conducting of their affairs and the management of their property.

President and directors, powers and duties of.

Assessments, how made, &c.

Notice, how given.

Assessments, neglect to pay, proceedings in case of.

Shares, delinquent subscribers, how disposed of.

Proviso.

Toll.

SECT. 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines, and cars, and other necessary things in the name of the corporation for the use of said road and for the transportation of persons, goods, and property of all descriptions, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of the corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the amount of the assessment due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares in said corporation, of a greater amount in the whole than fifty dollars.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation upon all passengers and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and

shed from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars, and carriages, the weights, and all other matters and things in relation to said railroad shall be in conformity with such rules, regulations, and orders as the directors shall from time to time prescribe in that respect.

Sec. 7. Said corporation is hereby authorized and empowered to connect, if it shall elect so to do, with the Androscoggin and Kennebec Railroad at any point in either of the lines mentioned in the first section of this act which the directors of the said corporation may select; and said Androscoggin and Kennebec Railroad shall receive and transport all passengers, goods and property of all descriptions, which may be sent and transported to its railroad on said Androscoggin and Kennebec Railroad, at the same rates of freight and toll on such passengers and goods and other property as may be prescribed by the Androscoggin and Kennebec Railroad Company; so that the rates of freight and toll on such passengers, goods and property, as may be so received from said Androscoggin and Kennebec Railroad, shall not exceed the general rates of freight and toll received for freight and passengers at any of the stations of said corporation; *provided, also*, that the Androscoggin and Kennebec Railroad, if they shall elect so to do, shall be hereby authorized to connect with the said Androscoggin and Kennebec Railroad, subject to the provisions of an act relating to railroads, approved March seventh, one thousand eight hundred and twenty-two.

Authorized to connect with the Androscoggin and Kennebec railroad.

52 Me., 434.

Transportation to regulate.

Proviso.

Sec. 8. If the said railroad in the course thereof shall cross a private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof, cross any canal, turnpike, railroad or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and said corporation shall have power to raise or lower such canal, turnpike, highway, or private way; so that said railroad, if necessary, may conveniently pass under or over the same, and

Private way.

Canals, turnpikes, &c., crossing of.

erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

Bridges, abutments, &c.

SECT 9. Said railroad corporation shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for constructing such private way or turnpike over said railroad.

Navigable waters, &c., crossing of.

SECT. 10. If said road shall cross any lakes, ponds, rivers or streams, the said corporation are hereby authorized and empowered to erect for the safe and exclusive travel on the said railroad, a bridge across each of said rivers, lakes, ponds or streams.

Fences.

—liable to indictment for neglect to build.

SECT. 11. Said railroad corporation shall erect and maintain legal and sufficient fences on each side of the land taken by them for their railroad, when the same passes through enclosed lands or lands improved, or lands that may be improved hereafter; and for neglect to erect and maintain such fence, said corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and be fined in such sum as shall be adjudged necessary to repair the same, and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by the court, as in case of fines imposed upon towns for deficiency of highways.

Mail, transportation of.

—in case of disagreement, how determined.

Shall keep road in good repair, &c.

SECT. 12. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place and places on said road as required, for a fair and reasonable compensation. And in case the corporation and postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And said corporation, after they shall commence receiving of tolls, shall be bound at all times to have said railroad in good repair, and a suitable number of suitable engines, carriages, and vehicles, for the transportation of persons, and articles, and be obliged to receive at all proper times and places, and convey the same,

on the appropriate tolls therefor shall be paid and tendered; and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all and singular the obligations and duties by this section enjoined and imposed upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicle for the transportation of persons or merchandise to pass over said railroad, other than its own, furnished and provided for that purpose as herein enjoined, and required; *provided, however*, that said corporation shall be under obligation to transport over said road, the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the sixth and seventh sections of this act as to rates of tolls, and all other particulars enumerated in said sections.

Obliged to transport passengers, &c., after payment of tolls.

Lien for payment of tolls.

Cars, engines, &c., of other roads.

Proviso.

SECT. 13. If any person shall wilfully and maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage over said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials, or implements to be employed in the construction of, or for the use of said road, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be assessed for before any justices in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And each offender or offenders shall be liable to indictment by the grand jury of the county within which trespass has been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court, before whom such conviction may be had.

Wilful and malicious obstructions, penalty for.

Offenders liable to indictment, &c.

SECT. 14. Said corporation shall keep in a book for that

Account of
disbursements,
&c., how kept.

Annual exhibit.

Taxation of real
estate.

Valuation.

Stock, where
taxable.

Net income
over ten per
cent., how dis-
posed of, &c.

No other tax to
be levied.

Annual meet-
ing.

Directors,
choice of, &c.

Vote.

purpose, a regular account of all their disbursements, ex-
tures, and receipts, and the books of said corporation shall
all times be open to the inspection of the governor and cou
and of any committee duly authorized by the legislature,
at the expiration of every year the treasurer of said corp
tion, shall make an exhibit under oath to the legislature of
net profits derived from the income of said railroad.

SECT. 15. All real estate purchased by said corporation
the use of the same, under the fifth section of this act,
be taxable to said corporation by the several towns, cities,
plantations, in which said land lies, in the same manne
lands owned by private persons, and shall in the valuation
be estimated the same as other real estate of the
quality, in such city, town, or plantation, and not other
and the shares owned by the respective stockholders, shall
deemed personal estate, and be taxable as such to the ow
thereof, in the places where they reside, and have their ho
And whenever the net income of said corporation shall l
amounted to ten per centum per annum upon the cost of
road, and its appendages and incidental expenses, the direc
shall make a special report of the fact to the legislature, f
and after which time one moiety of such other portion as
legislature may from time to time determine of the net inc
of said railroad, accruing thereafter, over and above ten
centum per annum, first to be paid to the stockholders, s
annually be paid over by the treasurer of said corporation
tax into the treasury of the State, for the use of the Sta
and the State may have and maintain an action against
corporation therefor, to recover the same; but no other
than herein is provided shall ever be levied or assessed on
corporation on any of their privileges or franchises.

SECT. 16. The annual meeting of the members of said
poration shall be holden on the first Monday of August
such other day as shall be determined by the by-laws, at s
time and place as the directors for the time being shall appo
at which meeting the directors shall be chosen by ballot, e
proprietor by himself or proxy being entitled to as many v
as he holds shares. And the directors are hereby authori

to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Special meetings.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation; and to correct and prevent all abuses of the same and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations.

Legislature right to investigate the doings of said corporation.

SECT. 18. If the said corporation shall not have been organized and the location according to actual survey of the route, filed with the county commissioners of the county or counties through which the same shall pass, on or before the first day of December, in the year of our Lord one thousand eight hundred and fifty-three, or if said corporation shall fail to complete said railroad on or before the first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, in either of the above-mentioned cases this act shall be null and void. *Approved August 10, 1848.*

Amended 1865, ch. 9.

Time for organization, &c., limited.

LAWS OF 1849, CHAP. 276.

An act in addition to "an act to establish the Androscoggin Railroad Company."

Be it enacted, &c. SECT. 1. That the act entitled an act to establish the Androscoggin Railroad Company, approved the tenth day of August, in the year of our Lord one thousand eight hundred and forty-eight, is hereby amended by striking out the words "to Jay bridge" from the first section of said act and inserting the words "to some point at or near Jay bridge and thence through the towns of Wilton, Farmington, Strong, Avon, and Freeman, or either of said towns to some point in the town of Phillips."

Amended 1854, ch. 390.

SECT. 2. Said company is hereby authorized to increase its

Amended 1853,
ch. 9.

Repealed 1853,
ch. 9.

capital stock by adding thereto ten thousand shares of one hundred dollars each ; upon which additional shares there shall be assessed in no case more than the sum of one hundred dollars each ; and each of said additional shares shall entitle the proprietor thereof to two votes in said company. *Approved August 11, 1849.*

LAWS OF 1853, CHAP. 9.

An act to amend the acts to establish the Androscoggin Railroad Company.

Capital stock
increased.

Be it enacted, &c. SECT. 1. That instead of ten thousand shares of one hundred dollars each, which the Androscoggin Railroad Company is authorized to add to its capital stock by the second section of the act entitled an act in addition to an act to establish the Androscoggin Railroad Company, approved August eleventh, eighteen hundred forty-nine, said company is hereby authorized to increase its capital stock by adding thereto twenty thousand shares of fifty dollars each upon which additional shares there shall be assessed in no case more than the sum of fifty dollars, and each of said additional shares shall entitle the proprietor thereof to one vote in said company ; and that the said second section of the said act, approved August eleventh, eighteen hundred forty-nine, be and hereby is repealed.

Section 18,
amended.

SECT. 2. That the eighteenth section of the act entitled an act to establish the Androscoggin Railroad Company be and the same is hereby amended by striking out the words "fifty-three," and substituting therefor the words "fifty-eight," and also by striking out the words "fifty-eight," and inserting in lieu thereof the words "sixty-three."

SECT. 3. This act shall take effect from and after its approval by the governor. *Approved February 16, 1853.*

LAWS OF 1854, CHAP. 390.

An act in addition to "an act to establish the Androscoggin Railroad Company."

Be it enacted, &c. SECT. 1. The act entitled an "act in addition to an act to establish the Androscoggin Railroad

pany" approved on the eleventh day of August, in the
of our Lord one thousand eight hundred and forty-nine, is
by amended by inserting the word "Chesterville" before
word "Wilton" in the sixth line of the first section. *Ap-
ved April 20, 1854.*

Change of route

LAWS OF 1856, CHAP. 651.

horize the Androscoggin Railroad Company, at any time, to consoli-
with the Androscoggin and Kennebec and the Penobscot and Kenne-
Railroad Companies into one corporation. See that chapter for its
visions.

Consolidation
authorized.

LAWS OF 1860, CHAP. 386.

An act to authorize the extension of the Androscoggin Railroad.

Be it enacted, &c. SECT. 1. The Androscoggin Railroad
pany is hereby authorized to extend, locate, construct,
intain, and use its railroad from any point on its road in
town of Leeds, in the county of Androscoggin, through
towns of Leeds, Monmouth, Litchfield, Wales, West Gar-
ier and Gardiner, or any of them, to the Kennebec river, or
th the Kennebec and Portland Railroad in Topsham or
unswick, through the towns of Leeds, Greene, Lewiston,
sbon, Topsham and Brunswick, or any of them.

Authorizing
the extensions,
&c.

52 Me., 437 and
439.

Amended 1865,
ch. 512 and
1870, ch. 291.

SECT. 2. And said Androscoggin Railroad Company shall
ve the same rights, privileges, powers and immunities, and
subject to all the duties and liabilities respecting the location,
struction, maintenance, use and management of said por-
n of their railroad hereby authorized to be extended, that
y had and have respecting their existing road.

Rights, powers,
privileges, &c.

SECT. 3. This act shall not take effect unless the extension
eby authorized shall be commenced within two years and
pleted within six years after the passage of this act, to the
eptance of said company. *Approved February 15, 1860.*

When to take
effect.

LAWS OF 1860, CHAP. 450.

act to authorize the city of Bath to lend its aid in the construction of
an extension of the Androscoggin Railroad from the town of Leeds to
the town of Topsham or Brunswick.

Be it enacted, &c. SECT. 1. The city of Bath is hereby auth-

Bath authoriz-
ed to loan its
credit to the
Androscoggin
Railroad Co.

Amount.

Terms and con-
ditions.

Scrip, when to
be issued.

—amount of.

—further
amount.

—whole
amount.

Scrip, bond for
payment of, &c.
Scrip of com-
pany, delivered
to.

orized to loan its credit to the Androscoggin Railroad Company, to aid in the construction of an extension of their railroad, from any point in its present road in the town of Leeds to connect with the Kennebec and Portland Railroad in the town of Topsham or Brunswick, in a sum not exceeding two hundred thousand dollars, subject to the following conditions, terms and provisons.

SECT. 2. If this act shall be accepted, as is hereinafter provided, and the directors of said company shall, within nine months after its acceptance by said city, produce satisfactory evidence to the mayor and aldermen of said city for the time being, that a sum of money not less than fifty thousand dollars has been raised by actual subscription by said company, and paid in and actually expended in the construction of the extension of their road, and the purchase of the right of way, from or near the junction in the town of Leeds to the town of Topsham or Brunswick, then such fact shall be certified by the mayor and aldermen to the city treasurer, and he shall forthwith issue to the directors of said company for the purpose of building, furnishing and completing said extension of the road, the scrip of said city payable to the holders thereof at the expiration of thirty years from the date thereof, in the sum of one hundred thousand dollars, with coupons for interest attached payable semi-annually; and if said company shall, within twenty-four months produce evidence to the satisfaction of the mayor and aldermen that a further sum of fifty thousand dollars has been raised by actual subscription and expended in the same manner on the extension of their road as before mentioned, then such fact shall be certified to the city treasurer as before provided, and he shall forthwith issue similar scrip to the directors of said road for the further sum of one hundred thousand dollars, being in all two hundred thousand dollars; and said scrip may be subdivided into such sums as the parties may deem expedient.

SECT. 3. Concurrent with the issue and delivery of said city scrip as aforesaid, in each case the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the

penal sum in each bond to be double the amount of the scrip authorized to be issued at that time; said bonds shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bonds respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same; the said president and directors of said company shall also, in each case of the issuing of the scrip of said city, as provided in section two of this act, and simultaneously therewith make, execute and deliver to the said city treasurer the scrip of said company payable to the holder thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with the coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfilment of the conditions of the said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Bath, Boston or New York, or either of them, after thirty days' notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on one of said bonds.

—to be held as collateral.

—in default may be sold.

—how and when sold.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon the receipt of the first issue of said city scrip, and upon the delivery of their bonds to the said city to secure the payment of the same, to execute and deliver to said city treasurer a mortgage of said extension of their railroad from Leeds to Topsham or Brunswick, and of all the property of said extension, which they then have or may subsequently acquire, and also the franchise of said extension, without prior incumbrance; and the said mortgage shall be so made as to embrace not only the said extension, but also the original road of said company from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject however to prior uncanceled mortgages upon the same. Said

Mortgage of road, &c., to secure the fulfilment of conditions of bond

—how executed, recorded &c.

mortgage shall be so made as to cover not only the city scrip then issued, but all the scrip which may thereafter be issued under the provisions of this act; and being so made, it shall be deemed and held to be good and valid, and a security to said city for all the scrip it may issue to said directors. It shall be signed by the president of said company in his official capacity, and shall be executed according to the laws of this State, and shall be in due and legal form, and shall contain apt and sufficient terms to secure to said city the fulfilment of the conditions in said bonds contained; and said mortgages so executed and delivered, and recorded in the registry of deeds for the county of Sagadahoc, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer of said extension from Leeds to Topsham or Brunswick, and of all the property of said extension, real and personal, then or subsequently to be acquired, and of said franchise, and also a full and complete transfer of the said road from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject only to prior uncanceled mortgages on the same; said transfers being subject only to the conditions contained in said mortgages, any law to the contrary notwithstanding. All the proceedings in the organization of said company and choice of directors, shall be deemed valid and regular.

Organization of
company made
valid.

Mortgage, fore-
closure of.

—notice of, how
given.

—record of, how
made.

Expiration of.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bath, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Sagadahoc, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the conditions of said mortgage shall not within that have been fulfilled, the foreclosure shall be complete, and shall make the title of said extension and of said road, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of said company, shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Bath may take actual possession in the manner herein-after provided, of the whole of said railroad, and of all the property, real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof, to make up and supply such deficiency, and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claims thereon until such purposes have been fully accomplished. Such possession shall not be considered an entry for foreclosure, under any mortgages hereinbefore provided; nor shall the rights of the city, or of the company, under any mortgages, in any manner be affected thereby.

In case of neglect of company to pay principal or interest of scrip, city of Bath may take possession of the road.

Possession, notice of, &c., how given.

—not to be considered a foreclosure.

SECT. 7. All moneys received by or for, the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received shall belong to, and be held for the use and benefit of the city in manner and for the purposes herein provided; and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment, shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice shall make payment of moneys so received, to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor; all moneys received by the treasurer of the company, after such notice or

Receipts of road, how appropriated.

treasurer of
company to
pay over to
city treasurer.

payment of,
when made.

in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer, shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same to be by him held and applied as herein required.

injunction, &c.

writ of.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Bath, in the supreme judicial court, in the county of Sagadahoc against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

directors, how
chosen in case
of neglect by
company.

SECT. 9. If the said railroad company shall after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors consisting of not less than seven persons or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance, such officers shall be subject to all the duties and liabilities thereof.

SECT. 10. The city shall appoint one of the directors of the said railroad company, from among the stockholders, who shall be chosen annually, by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

—one shall be appointed from among the stockholders.

—right to choose, when to cease.

SECT. 11. As an additional or cumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same create in favor of said city, a lien on the whole of said railroad, its franchise, and all its appendages and all real and personal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever, on the said extension from Leeds to Topsham or Brunswick, and on the road from Leeds to Farmington, and on all the other property of said railroad corporation, subject only to prior uncanceled mortgages; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary, by suitable and proper judgments, injunctions or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

Additional or accumulative protection.

—lien created

—not waived &c.

SECT. 12. This act shall not take effect unless it shall be accepted by said corporation within six months from and after its approval; and also, by said city, by a vote of the legal voters thereof voting in public meeting duly and legally called within six months from and after its approval; and at least two-thirds of the legal voters of said city, present and voting at said meeting as aforesaid, shall be necessary for the acceptance of this act on the part of said city. The vote of said public meet-

Act, acceptance of, &c.

ing shall be ascertained and declared in open town meeting, and if the act shall be accepted, as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor. *Approved March 17, 1860.*

The special laws of 1860, chapter 468 authorized the city of Gardiner to loan its aid in the construction of an extension of the Androscoggin Railroad from Leeds to the city of Gardiner, *provided*, said road should enter and terminate in said city of Gardiner but as that was never done and the act never became a law, it is not inserted in this work.

LAWS OF 1860, CHAP. 475.

An act additional to an act entitled "an act to authorize the extension of the Androscoggin railroad."

Authorized to
extend railroad.

Be it enacted, &c. SECT. 1. The Androscoggin Railroad Company is hereby authorized in the location and building of the extension of their railroad from the town of Leeds to the city of Gardiner, or to the towns of Topsham or Brunswick, to connect with the Kennebec and Portland railroad, to pass through the towns of Wales, Webster and Durham, in the county of Androscoggin, or either of them, in addition to the towns mentioned in the act to which this act is additional.

Mortgages, &c.,
now existing,
not to attach to
extension.

SECT. 2. It is hereby further enacted that no mortgages or claims now existing and in force upon said Androscoggin railroad, its right of way, franchise or rolling stock, shall attach to or have any force, hold, claim or lien of any nature whatsoever upon the extension granted to said railroad in the act to which this act is additional, from the town of Leeds to the city of Gardiner, or to the towns of Topsham or Brunswick. But said extension of said road shall be held separate from the road now established and for security to any corporation or persons who may furnish to said company the means necessary for building and completing said extension of said road. And the president and directors of said Androscoggin railroad shall have the power to mortgage or transfer said extension of said road from its junction in Leeds to said Gardiner, Topsham or

Limited by law
of 1862, chap.
148.

Extension, how
held, &c.

Brunswick, with its franchise, right of way, rolling stock, and all the property belonging thereto, with its earnings, for the purpose only of procuring means to build, finish, furnish and equip said extension and to secure the debts contracted therefor, any mortgage, lien, claim or law to the contrary notwithstanding. If said Androscoggin Railroad Company shall elect to extend their road to Gardiner, as provided in the act to which this act is additional, it shall not also extend it to Brunswick or Topsham, and if they shall elect to extend it to Brunswick or Topsham, they shall not extend it to Gardiner.

President and directors of Androscoggin Railroad, may mortgage, &c.

52 Me. 437 and 438.

SECT. 3. This act shall take effect from and after its approval by the governor. *Approved March 20, 1860.*

LAWS OF 1861, CHAP. 18.

An act to authorize the city of Bath to lend further aid in the construction of the Androscoggin Railroad.

Be it enacted, &c. SECT. 1. The city of Bath is hereby authorized to make a further loan of its credit to the Androscoggin Railroad Company, to aid in the construction of the extension of their railroad from the Leeds junction by the way of Lewiston Falls to Brunswick, as located or to be located in the towns of Leeds, Greene, Wales, Webster, Lewiston, Topsham and Brunswick, in the sum of two hundred thousand dollars, or so much thereof as may be required above and beyond the amount authorized to be loaned by the act entitled "an act to authorize the city of Bath to lend its aid in the construction of an extension of the Androscoggin Railroad, from the town of Leeds to the town of Topsham or Brunswick;" *provided, however,* that this act shall not take effect, except as hereinafter provided, unless and until the same shall have been accepted by a vote of the directors of the railroad company, within six months from and after its approval by the governor; and also within the same time by a vote of the legal voters of said city, taken in public town meeting, legally notified and assembled for that purpose; and at least two-thirds of the votes cast at such meeting shall be necessary for the acceptance of this act.

Bath authorized to loan its credit to the Androscoggin Railroad Co.

See laws of 1861 ch. 218.

Amount.

Proviso.

Terms and conditions.

Scrip, how to
be issued.

Amount.

Bond of Co. for
security.

Amount.

Mortgage of
company.

Scrip of Co.,
delivery of.

—to be held as
collateral.

—in default,
may be sold.

SECT. 2. Upon the acceptance of this act as aforesaid, the city treasurer shall issue from time to time, as may be required by the directors, and for the purpose named in the first section, scrip of the city, in convenient and suitable sums, not exceeding two hundred thousand dollars in all, payable to the holder at the expiration of thirty years from the date thereof, with coupons for interest attached, payable semi-annually.

SECT. 3. To secure the city against liability to pay said scrip and interest, the president of the company shall, upon the issue of the first scrip, execute and deliver to the said treasurer the bond of said company in the penal sum of three hundred thousand dollars, payable to the city, and conditioned that the company will duly pay all liabilities incurred by the issue of such scrip as shall be issued by virtue of this act, according to the tenor thereof, and in all respects will hold and save harmless the said city on account of the issue of the same; and at the same time the president shall execute and deliver to the city treasurer, for the city of Bath, the mortgage of said company to secure the performance of the condition of said bond. Such mortgage shall be so made as to embrace all subjects of conveyance required to be embraced in the mortgage required by the fourth section of the act aforesaid, subject to all prior uncanceled mortgages, and any pre-existing attachment or lien thereon; and being executed, delivered and recorded in the manner therein provided, shall have like effect in respect to the loan herein authorized, as the mortgage therein required is to have in regard to the loan authorized by the said act. The president shall also in each case of the issuing of the scrip of the city, as hereinbefore provided, and simultaneously therewith, make and deliver to the city treasurer the scrip of said company, payable to the holder thereof, at the same time, and for the same aggregate amount as the scrip then issued by said treasurer to said company, with like coupons for interest attached; and the same shall be held by the city as collateral security for the fulfilment of the conditions of said bond; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction, at one or more times, in the cities of Bath, Boston or

New York, one or more of them, after sixty days' notice in writing to the president, or one of the directors, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on the bond or bonds of said company, held by the city.

—how and when to be sold.

SECT. 4. All the rights, powers, obligations, remedies and other provisions created, given, imposed and provided in the act aforesaid, from the fifth to the eleventh section inclusive, as applicable to the loan authorized in that act, are to be applicable to the loan hereinbefore authorized, and the rights, duties and remedies of the parties to the same; and the same are herein given, imposed and provided to be enjoyed, executed and enforced as to the loan herein granted, as the same are to be enjoyed, executed and enforced in respect to the loan granted in the act aforesaid.

Rights, powers, obligations, &c.

SECT. 5. This act is not to be construed to repeal or change the provisions of the aforesaid act approved on the seventeenth day of March aforesaid; but it is to be deemed and understood that the loan herein authorized is independent and in addition to the loan therein granted, and that the said city is authorized to make the loan herein provided, whether the railroad company shall comply with the conditions necessary to obtain the second instalment of the former loan or not.

Not to repeal or change provisions of act of May 17, 1860.

SECT. 6. This act shall be in force from and after its approval by the governor, so far as to to authorize the directors of the railroad company and the inhabitants of Bath to act on the question of accepting the same, and for all the purposes in the same specified from and after its acceptance as hereinbefore provided. *Approved February 7, 1861.*

Act, acceptance of, &c.

LAWS OF 1862, CHAP. 148.

An act to empower the Androscoggin Railroad Company to make a mortgage.

Be it enacted, &c. SECT. 1. The president and directors of said company are hereby authorized and empowered to make a mortgage of the extension part of said railroad, from its junction in Leeds to Brunswick, with its franchise, right of way, rolling stock, and other property belonging thereto, with

Androscoggin R. R. Co. authorized to mortgage certain portion of its road.

its earnings, for the purpose of paying any of the debts of said corporation, or of hiring money for the use of said corporation subject to the two mortgages already existing thereon in favor of the city of Bath, anything in the four hundred and seventy-fifth chapter of the special laws of eighteen hundred and sixty to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 26, 1862.*

LAWS OF 1863, CHAP. 218.

An act to authorize the city of Bath to lend further aid to the Androscoggin Railroad Company.

Bath, city of,
authorized to
lend further aid
to the Andros-
coggin Railroad
Co.

Proviso.

Terms and
conditions.

See laws of 1861,
ch. 18.

Scrip when to
be issued.

—when pay-
able.

Be it enacted, &c. SECT. 1. The city of Bath is hereby authorized to make a further loan of its credit to the Androscoggin Railroad Company to aid in the construction of the extension of their railroad from the Leeds junction by the way of Lewiston Falls to Brunswick, in such sum as may be by said city judged to be expedient, not exceeding twenty-five thousand dollars; *provided, however,* that this act shall not take effect except as hereinafter provided, unless and until the same shall have been accepted by a vote of the directors of the railroad company, within six months after its approval by the governor; and also within the same time by a vote of the legal voters of said city taken in a public town meeting legally notified and assembled for that purpose; and at least two-thirds of the votes cast at such meeting shall be necessary for the acceptance of this act.

SECT. 2. Upon the acceptance of this act as aforesaid, the mayor and aldermen shall certify the same to the city treasurer, and he shall thereupon issue to the directors of said company the scrip of the city in convenient and suitable sums to such an amount as the city shall have decided to loan, payable to the holder thereof at the expiration of thirty years from the date thereof, with coupons for interest attached payable semi-annually.

SECT. 3. To secure the city against any liability to pay said scrip and interest, the president of the company upon being

authorized by the directors thereof to make and execute the cities hereinafter mentioned, shall upon the issue of the , execute and deliver to the said treasurer the bond of company in the penal sum of forty thousand dollars payable to the city, and conditioned that the company will duly all liabilities incurred by the city by the issue of such as shall be issued by virtue of this act, according to the r thereof, and in all respects will hold and save harmless said city on account of the issue of the same; and the president shall also at the same time execute and deliver to the city treasurer for the city of Bath the mortgage of said company to secure the performance of the conditions of said bond. Such mortgage to be so made as to embrace the extension of said road from Leeds to Lewiston and Brunswick, and of all property of said extension of every description which they have or may subsequently acquire, including the franchise said extension, with the rolling stock, and all the earnings said railroad, subject, however, to prior uncanceled mortgages on the same; and said mortgage so executed and delivered, and recorded in the registry of deeds for the county of Androscoggin, shall to all intents and purposes be and the same is hereby declared to be a full and complete transfer of said extension from Leeds to Lewiston and Brunswick, and of all property of said extension, real and personal, then or subsequently to be acquired, and of said franchise. And the president being so authorized shall also upon the issuing of scrip of the city as hereinbefore provided, and simultaneously therewith, make and deliver to the city treasurer the bonds of said company, payable to the holder thereof at the same time and for the same aggregate amount as the scrip issued by said treasurer to said company, with like coupons and interest attached; and the same shall be held by the city as collateral security for the fulfilment of the conditions of said bond; and in default of any one of said conditions said city may from time to time sell said scrip or any portion thereof, at public auction, at one or more times in the cities of Bath or Lewiston, after sixty days' notice in writing to the president or any one of the directors naming therein the time and place of

Terms and conditions of security to the city.

ACT. 3. It is hereby declared that when the said branch of said railroad shall have been constructed, the existing road of said company and the said branch shall be deemed one railroad, and be held as one and entire by said company, and in the same manner as if the whole railroad had embraced in the original charter of said company and constructed at the same time; but no mortgage or lien existing and in force upon said Androscoggin Railroad, franchise, right of way or rolling stock, earnings or income thereof, shall attach to or hold in any manner whatsoever the branch of said railroad provided for in this act. And whereas said company have been and now are divested of their interest in the railroad originally built by them and extending from the crossing of the Maine Central railroad in the town of Farmington, to the upper or northern terminus thereof, at a point in the village of Farmington Hill, by the foreclosure of a mortgage of said company thereon, together with other real estate, implements, fixtures and rolling stock originally purchased and held by the said company and also conveyed by mortgage, being all the property of said company held at the time their existing railroad was built and equipped, and whereas their existing railroad was built and equipped with capital in no part derived from the original stockholders, or from any property or assets of or in any manner or degree derived from any rights, property or assets of the said company which originally existed, and previous to the former extension of their railroad, but from moneys procured by the issue of stock for that purpose and by loans secured by mortgages upon said extension and upon all the rolling stock purchased with money thus obtained, the franchise, earnings and income thereof; and whereas the said company as it now exists has not nor ever had any benefit or advantage of, or from, any contracts contracted by the said original company previous to said extension and not contracted by them for, or respecting the location, construction, maintenance and use of their extension and its equipments, fixtures and furniture, and whereas in an act of the legislature entitled "an act additional to an act entitled an act to authorize an extension of the

Consolidation
of main line
and branch.

Exemption of
branch from
mortgage or
lien against
main line.

Exemption of corporate property from attachment and seizure for debts created prior to March 20, 1860.

Androscoggin Railroad," approved on the twentieth day of March in the year of our Lord one thousand eight hundred and sixty, it is provided in substance that the said extension is and shall be exempt from all liability for debts previously incurred by said company, now therefore it is hereby further enacted, that the said extension, and the branch to be constructed as hereinbefore provided, with all other real estate and personal property now held by them or that may hereafter be acquired, and the earnings and the income of the whole road, shall be forever exempt from attachment and seizure on execution, to secure pay, discharge or liquidate any debt contracted, created or owed by said company previous to the twentieth day of March aforesaid, and not contracted or created for or respecting the location, construction and use of their said extension, or the branch hereinbefore provided for.

New stock.

Limit of same and value of shares.

Mortgages, how and to whom made and purpose of same.

Where recorded.

SECT. 4. In order to procure the means to build and equip the said branch of their railroad, the said company may issue new stock, in shares of the par value of one hundred dollars each, to an amount not exceeding four hundred thousand dollars, and may mortgage their whole railroad, or any part or parts thereof, with their franchise, and any or all of their real estate, with or without the equipments, fixtures or furniture subject to the incumbrances of any mortgages upon the existing part of said railroad, to any city or cities, town or towns or any person or persons, party or parties whatsoever, to secure any loan of money, notes, scrip, bonds, or other obligations to said company; and it shall be sufficient to record such mortgage or mortgages of said railroad, part or parts thereof, with or without personal property, in the registry of deeds of Androscoggin county. But if such mortgages shall cover personal property only, then it shall be sufficient to record the same in the records of mortgages of personal property in the city of Lewiston.

SECT. 5. This act shall take effect when approved by the governor. *Approved February 4, 1867.*

LAWS OF 1867, CHAP. 213.

to authorize the Leeds and Farmington Railroad Company to make a lease, and for other purposes.

it enacted, &c. SECT. 1. The Leeds and Farmington Railroad Company is hereby authorized and empowered to make a lease of its railroad, extending from Leeds Crossing to Farmington, with all its rolling stock, tools and other tangible personal property appurtenant thereto, with the franchise of said company, to the Androscoggin Railroad Company, for a term of years.

May lease road, fixtures, &c., to Androscoggin Railroad Co.

SECT. 2. The Leeds and Farmington Railroad Company is hereby authorized to sell and convey its said railroad, with all its rolling stock, tools and other tangible personal property appurtenant thereto, with the franchise of said corporation, to the Androscoggin Railroad Company; *provided*, that the directors of said company shall have no power to make such sale unless authorized to do so by a vote of the stockholders, at a meeting legally called for that purpose; but such sale shall not impair any rights, or take away, or diminish any remedies of the creditors of either of said corporations. *Approved January 4, 1867.*

May sell same to said corporation.

Conditions as to sale.

LAWS OF 1869, CHAP. 168.

to authorize the Androscoggin Railroad Company to alter and amend its by-laws.

it enacted, &c. SECT. 1. The Androscoggin Railroad Company is hereby authorized to alter or amend its by-laws by a major vote, to be taken at any annual meeting of said company; *provided*, that due notice of any such alteration or amendment shall be given in the notification for said meeting. SECT. 2. This act shall take effect when approved. *April February 24, 1869.*

By-laws may be altered or amended.

Proviso.

LAWS OF 1870, CHAP. 291.

act to authorize the extension of the railroad terminating at Farmington, known as the Androscoggin Railroad.

it enacted, &c. SECT. 1. The Androscoggin Railroad

Extension of
Androscoggin
Railroad Co.
authorized.

Company as now constituted by the stockholders in the extension part of said railroad, authorized by an act entitled "an act to authorize the extension of the Androscoggin Railroad," approved February fifteen, eighteen hundred and sixty, is hereby authorized to extend the railroad now operated by said company, from any point on said railroad in the town of Farmington, to any other point within the said town of Farmington, and to locate, construct, maintain and use the same.

Rights, privileges,
duties
and liabilities.

SECT. 2. Said Androscoggin Railroad Company shall have the same rights, privileges, powers and immunities, and be subject to all the duties and liabilities respecting the location, construction, maintenance, use and management of said portion of railroad, hereby authorized to be extended, that they had and have respecting their existing road.

Existing mortgages,
&c., not
attach to
extension.

SECT. 3. It is hereby further enacted that no mortgages, debts, liens or claims now existing or in force upon said Androscoggin Railroad, or upon the said extension thereof, its right of way, franchise, or rolling stock, shall attach to or have any force, hold, claim, or lien of any nature whatever, upon this extension granted to said railroad in the town of Farmington. But this extension of said railroad shall be held separate from the railroad now established and in operation, and for security to any corporation or persons who may furnish to said company the means necessary for building and completing the same. And the president and directors of said Androscoggin Railroad Company shall have the power to mortgage or transfer this extension of said railroad in the town of Farmington, with its franchise, right of way, and all the property belonging thereto, with its earnings, for the purpose only of procuring means to build, finish and equip said extension, and to secure the debts contracted therefor, any mortgage, lien, claim or law to the contrary notwithstanding.

Extension to be
held separate.

May mortgage
and transfer
the railroad for
a certain purpose.

SECT. 4. This act shall take effect when approved. *Approved February 1, 1870.*

LAWS OF 1870, CHAP. 292.

an act to authorize the Farmington Village Corporation to raise money to aid in the extension of the railroad terminating at Farmington, known as the Androscoggin Railroad, and to contract for said extension.

Be it enacted, &c. SECT. 1. The Farmington Village Corporation may at any legal meeting, duly notified and called for that purpose, raise by tax or loan, such sums of money as said corporation shall deem expedient, not exceeding thirty-five thousand dollars, and may appropriate the same in such manner and on such terms as said corporation shall determine, to aid in the extension of the railroad now operated by the Androscoggin Railroad Company, to some point within or near the limits of said village corporation; *provided* that two-thirds of the legal voters present and voting at such meeting shall so vote.

Loan, and limit of same.

SECT. 2. The said Farmington Village Corporation is hereby authorized and empowered to make such contracts with the Androscoggin Railroad Company, for the purpose mentioned in the preceding section, as the said village corporation may determine, and may raise money by tax or loan, to carry the same into effect, not exceeding, however, the amount named in the preceding section.

Contracts authorized.

Purpose.

SECT. 3. The assessors and treasurer of said village corporation, upon being authorized so to do by a vote of said corporation, may issue the scrip of said corporation to such an amount, not exceeding thirty-five thousand dollars, as said corporation may determine, in certificates of not less than one hundred dollars each and payable in such number of years from their date as said corporation may determine, with interest at the rate of six per centum per annum, with semi annual coupons attached thereto, the said scrip to be signed by the said assessors and treasurer, but the coupons shall be signed by the treasurer only.

Scrip of corporation may be issued.

Amount.

SECT. 4. This act shall take effect when approved. *Approved February 1, 1870.*

LAWS OF 1871, CHAP. 654.

An act to amend an "act to authorize a further extension of the Androscoggin Railroad," approved February fourth, eighteen hundred and sixty-seven.

Amended.

Authorized to connect with A. & St. L. Railroad in limits of certain towns.

Be it enacted, &c. SECT. 1. Section one of an act entitled "an act to authorize a further extension of the Androscoggin Railroad, is hereby amended, by adding to said section the following words, namely: "or to connect with the said Atlantic and St. Lawrence Railroad at any point within the limits of the said towns of Danville, Auburn, Poland or Minot."

SECT. 2. This act shall take effect when approved. *Approved February 18, 1871.*

LEASE

Of the Androscoggin Railroad to the Maine Central Railroad for nine hundred and ninety-nine years.

MEMORANDUM OF AN AGREEMENT between the Androscoggin Railroad Company of the first part, and the Maine Central Railroad Company, party of the second part, *witnesseth* :

ART. 1. That the party of the first part hereby leases to the party of the second part, its railroad as now constructed and used from the town of Brunswick, in the county of Cumberland, to the city of Lewiston, in the county of Androscoggin, and to its junction with the Leeds and Farmington Railroad, in the town of Leeds, in the county of Androscoggin, including Jones' Block (so called) in Lewiston, and the wharf property belonging to said company in the city of Bath, together with all the equipment and rolling stock belonging to said company wherever situated, and all the property, real, personal and mixed on the line of said road and connected therewith and now in the possession thereof, excepting such wood, oak and car stuff received since examination of road, and sleepers not laid in the track as shall be upon the line of said road on the first day of July, 1871, to be held by the party of the second part for and during the full term of nine hundred and ninety-nine years upon the terms and conditions hereinafter set forth.

ART. 2. The party of the first part also agrees to assign, and does hereby assign and transfer to the party of the second part the lease which it now holds of the Leeds and Farmington Railroad, dated June 1, 1867, and all the right and privileges which it has to said road by virtue of said lease or

therwise, and also hereby leases to said party of the second part, on the same terms as are set forth in section first hereof, the extension of its road from West Farmington across the Sandy river to the village of Farmington, including the franchise thereof, and all its property and rights of property, real, personal and mixed, on the line of said extension, or on the line of said Leeds and Farmington Railroad excepting sleepers, oak and wood as above stipulated.

ART. 3. And the party of the first part hereby assigns and transfers to the party of the second part, its charter for an extension of its railroad from Lewiston to Mechanic Falls, approved February 4, 1867, and also the amendment to said charter, approved February 18, 1871, with full power and authority to act under said charter and the amendment thereof, to extend said railroad as far as said charter and the amendments thereto will authorize, at its own cost, and to operate and use said road when thus extended for its own benefit.

ART. 4. And the party of the first part further agrees with the party of the second part, that it will hold the party of the second part harmless from all debts, claims and demands that may exist against said party of the first part on the first day of July, 1871, on account of the property hereby leased and assigned, or any that may hereafter be created by said party of the first part, and from all liabilities arising from any such debt, claim, demand or liability, excepting the liability to pay the bonds issued by the city of Bath in aid of the construction of said road, amounting in all to the sum of four hundred and twenty-five thousand dollars (\$425,000), and the interest which shall accrue thereon after the first day of July, 1871; and excepting, also, all liabilities arising under the lease of the Leeds and Farmington Railroad aforesaid, from and after said first day of July; and excepting, also, the obligations incurred by reason of a contract between said party of the first part and the village corporation of Farmington, dated April 15, A. D. 1870, as hereafter provided.

ART. 5. And the party of the first part further agrees that it will, in its corporate capacity, do and perform all acts and things necessary to keep up and maintain its organization as a corporation, and to enable the party of the second part to use, operate, extend and improve said road, and each and all parts thereof; to establish and collect tolls for the transportation of passengers and freight thereon, and fully to protect said party of the second part in all its rights and privileges and immunities in relation to the property hereby leased or the leases which have hereby been assigned, and for this purpose the party of the second part is hereby authorized to use the corporate name of the party of the first part wherever it may be necessary to secure the object above stated, and will also, at the request of the party of the second part, pass all votes, and do all other acts necessary to renew or extend the bonds issued by the city of Bath, in aid of said railroad company or in place thereof; issue the bonds of said company and execute such mortgage or mortgages on said road as may be required to secure said bonds, the necessary expense thereof to be paid by the party of the second part; provided no act shall be done by the party of the second part under the authority to extend said road as herein given, or by issuing new stock by which this lease shall be terminated or its provisions modified, without the concurrence

of the party of the first part as representing the stock now in existence; and if any stock shall be issued with their concurrence, such stock shall in no way affect the stock now in existence, or the rights and interests of its holders so far as any dividends arising from the rent herein agreed to be paid is concerned.

ART. 6. In consideration of the above agreements and stipulations of the party of the first part, the party of the second part hereby agrees to take said lease and assignments, and to enter upon, occupy, operate and improve the property therein described according to the agreements and stipulations aforesaid, and to hold the party of the first part harmless from all loss or damage from any act or things done or performed, and from any neglect to do and perform any and all acts required by law and by the aforementioned lease and contract, to be performed by parties in the operation of railroads in this State by the party of the second part in the use and occupation of said railroad or any part thereof; to pay all taxes that may be lawfully assessed on said property or any part thereof, not including, however, any tax upon the stock or bonds of said road held by individuals; to keep said road with its rolling stock and equipments in good condition and repair, and to return the same, and all parts thereof, at the end of the time at which said party is entitled to hold the same, in as good condition and repair as when taken.

ART. 7. And the party of the second part further agrees that it will perform all the conditions in the lease of the Leeds and Farmington Railroad, also all the conditions in a certain contract with the Farmington village corporation, dated on the 15th day of April, A. D. 1870, so far as operating and maintaining the extension of said road across the Sandy river is concerned, to be performed by the party of the first part; that it will pay the interest or coupons on the bonds issued by the city of Bath in and for the party of the first part, as the same shall fall due and be presented for payment (not including interest prior to July 1, 1871), and will pay said bonds at the maturity thereof; that it will issue to the party of the first part scrip bearing date July 1, 1871, to the amount of one hundred and ten thousand dollars, which scrip shall bear interest at the rate of six per cent. per annum, but payable semi-annually in payments of three per cent. on the first days of July and January in each year, which scrip shall be convertible, at the election of the holder, into the capital stock of the Maine Central Railroad Company, at par, after three years from July 1, 1871; that it will issue or transfer to the party of the first part, within one year from the first day of July, 1871, two thousand shares of the capital stock of the Maine Central Railroad Company, and will also issue to the party of the first part its promissory notes to the amount of thirty-three thousand and three hundred and thirty-three 33-100 dollars, payable with interest, in equal payments, in six, twelve and eighteen months from July 1st aforesaid, which notes said party of the second part may pay and discharge if it so elect, at any time before the maturity thereof in the stock of said company, at the rate of thirty-three 33-100 dollars per share, in which case, interest on said notes is to be remitted.

ART. 8. It is further agreed that should the party of the second part fail to pay the rent reserved in the lease of the Leeds and Farmington Road when

due and payable, or the bonds and coupons of the city of Bath as the same become due and are presented for payment, and such failure should continue for the space of sixty days, the party of the first part may terminate said lease and assignment and resume possession of the road, provided it shall have given at least thirty days' notice in writing to the party of the second part of its intention so to do; but this shall not take away or diminish any other rights or remedy at law or in equity, to enforce the performance of its agreements as herein set forth.

ART. 9. And it is also agreed by the party of the first part, that in case it shall fail to fulfil and perform all and singular the agreements by said party to be performed, as herein set forth, then and in that case the scrip herein agreed to be issued shall be held to indemnify the party of the second part for such failure, and shall be appropriated for that purpose as far as may be necessary.

It is mutually agreed by the parties hereto, that should any disagreement arise between the parties as to the construction of this lease or the rights of the parties under it, the same shall be submitted to the determination of three disinterested arbitrators, to be appointed by the chief justice of the supreme judicial court of the State of Maine, on the application of either party, whose award in the premises shall be final and conclusive of the matter submitted to them.

In witness whereof, the undersigned, president and directors of the Androscoggin Railroad Company, and of the Maine Central Railroad Company, being thereto duly authorized, have set their names and affixed the seals of their respective companies, this twenty-ninth day of June, A. D. 1871.

LEASE

Of the Leeds and Farmington Railroad to the Androscoggin Railroad, referred to in the foregoing lease.

MEMORANDUM OF A CONTRACT OF LEASE entered into on the first day of June, 1867, between the Leeds and Farmington Railroad Company, acting by Henry M. Payson, president of said company, who is duly authorized for that special purpose by a vote of the directors of said company, and the Androscoggin Railroad Company, acting by Oliver Moses, president of said company, who is also duly authorized for that special purpose by a vote of the directors of the last said named company.

The Leeds and Farmington Railroad Company *does hereby demise and let* unto the Androscoggin Railroad Company, the Leeds and Farmington Railroad, extending from Leeds Crossing to Farmington, and all its fixtures and appurtenances, including the depots and other buildings of said Leeds and Farmington Railroad Company at Farmington, and along the whole line of

the said railroad, with the franchise of said company, and all its rolling stock, implements, tools and other tangible personal property, *to have and to hold* to said Androscoggin Railroad Company for the term of forty-eight years and six months from this date, and said Leeds and Farmington Railroad Company transfers to said Androscoggin Railroad Company, all the tolls, use, income and profit to be derived from said demised property until the first day of December, 1915, upon the conditions hereinafter set forth and *not otherwise*.

Said Androscoggin Railroad Company, in consideration of said demise, does hereby covenant and agree to put said Leeds and Farmington Railroad and appurtenances in a good and safe state of repair for travellers, their goods and merchandise, which shall be in transit over said Leeds and Farmington Railroad, at the expense of said Androscoggin Railroad Company, in a reasonable time, and to maintain and keep said Leeds and Farmington Railroad and appurtenances in a good and safe state of repair till the first day of December, 1915.

And said Androscoggin Railroad Company, does further covenant and agree, with the aid of said rolling stock, implements, tools and other tangible personal property, hereby demised, to furnish other rolling stock and other tangible personal property and suitable men, sufficient to operate said Leeds and Farmington Railroad in a faithful and business-like manner, and with all due regard to the public interest, for forty-eight years and six months from this date, and therewith to operate said railroad in a faithful and business-like manner, and with all due regard to the interests of the public until the first day of December, 1915.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all taxes that have heretofore been lawfully assessed, or that shall hereafter be lawfully assessed on said Leeds and Farmington Railroad, and the other property hereby demised therewith, by the several towns through which said Leeds and Farmington Railroad is located, and all taxes lawfully assessed thereon by the national government, and whether upon the gross earnings or otherwise, during the continuance of this lease.

And said Androscoggin Railroad Company does hereby further covenant and agree to maintain suitable fences on each side of said Leeds and Farmington Railroad, wherever the law requires fences, during the continuance of this lease, and to indemnify said Leeds and Farmington Railroad Company from all damages and costs, that said Leeds and Farmington Railroad Company may suffer by reason of any deficiency in any of said fences, or by reason that any of them shall be out of repair, at any time prior to the first day of December, 1915.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all damages that may be suffered by any individuals, by the destruction of any of their domestic animals, that may be injured or killed by being on the track of said Leeds and Farmington Railroad, for which the said Leeds and Farmington Railroad Company shall be liable during said term of forty-eight years and six months, and fully to indemnify said Leeds and Farmington Railroad Company from the payment of damages in any and all such cases, and from any and all suits that may be brought therefor, and

from any and all damages that may be recovered for injuring or destroying domestic animals on the track of said Leeds and Farmington Railroad in any such suit or suits for injuries done during said forty-eight years and six months.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all damages that may be suffered by individuals in their persons and property, or either, by reason of any injury they may receive while they or their property shall be in course of transit over said Leeds and Farmington Railroad, or by fire from the engines or cars passing over said railroad, extending to and destroying property not in the course of transit, for which said Leeds and Farmington Railroad Company shall be liable during said period of forty-eight years and six months; and fully to indemnify said Leeds and Farmington Railroad Company from the payment of damages in any and all such cases, and from any and all suits that may be brought therefor, and from any and all damages and costs, that may be recovered against said Leeds and Farmington Railroad Company in any such suit or suits, for injuries arising on said Leeds and Farmington Railroad, until the first day of December, 1915.

And the said Androscoggin Railroad Company does hereby covenant and agree, in consideration of said demise, and as one of the express conditions thereof, to do and perform all things legally incumbent upon the said Leeds and Farmington Railroad Company to do and perform in connection with the maintaining, operating and managing said Leeds and Farmington Railroad, and to save harmless the said Leeds and Farmington Railroad Company from any and every liability of whatever nature, which may thereby be incurred, and any and every cause of action which may thereby accrue, and any and every suit that may be instituted against said Leeds and Farmington Railroad Company during the continuance of this lease for such liability.

And for the rent of said demised property, said Androscoggin Railroad Company does hereby further covenant and agree, for the first forty-two months, to pay at the rate of thirty-two thousand dollars per year, to be paid semi-annually, that is to say, sixteen thousand dollars every six months, to be paid on the first days of December and June in each year: for the next five years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-four thousand dollars per year; for the next five years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-six thousand dollars per year; for the next ten years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-eight thousand dollars per year; and for the remaining twenty-five years, said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of forty thousand dollars per year; and said Androscoggin Railroad Company further covenants and agrees to pay all of said rents in semi-annual payments, on the first days of June and December in each year, till the whole is paid.

And said lessee is to have all the old iron and other materials that may be taken from the road, fixtures and appurtenances, in making repairs, and all buildings or parts of buildings that may be replaced by others, whether upon the same or other ground.

MAINE CENTRAL RAILROAD.

the said railroad, with the franchise of said company, and all its rolling stock, implements, tools and other tangible personal property, *to have and to hold* to said Androscoggin Railroad Company for the term of forty-eight years and six months from this date, and said Leeds and Farmington Railroad Company transfers to said Androscoggin Railroad Company, all the toll, use, income and profit to be derived from said demised property until the first day of December, 1915, upon the conditions hereinafter set forth and *not otherwise*.

Said Androscoggin Railroad Company, in consideration of said demise, does hereby covenant and agree to put said Leeds and Farmington Railroad and appurtenances in a good and safe state of repair for travellers, their goods and merchandise, which shall be in transit over said Leeds and Farmington Railroad, at the expense of said Androscoggin Railroad Company, in a reasonable time, and to maintain and keep said Leeds and Farmington Railroad and appurtenances in a good and safe state of repair till the first day of December, 1915.

And said Androscoggin Railroad Company, does further covenant and agree, with the aid of said rolling stock, implements, tools and other tangible personal property, hereby demised, to furnish other rolling stock and other tangible personal property and suitable men, sufficient to operate said Leeds and Farmington Railroad in a faithful and business-like manner, and with all due regard to the public interest, for forty-eight years and six months from this date, and therewith to operate said railroad in a faithful and business-like manner, and with all due regard to the interests of the public until the first day of December, 1915.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all taxes that have heretofore been lawfully assessed, or that shall hereafter be lawfully assessed on said Leeds and Farmington Railroad, and the other property hereby demised therewith, by the several towns through which said Leeds and Farmington Railroad is located, and all taxes lawfully assessed thereon by the national government, and whether upon the gross earnings or otherwise, during the continuance of this lease.

And said Androscoggin Railroad Company does hereby further covenant and agree to maintain suitable fences on each side of said Leeds and Farmington Railroad, wherever the law requires fences, during the continuance of this lease, and to indemnify said Leeds and Farmington Railroad Company from all damages and costs, that said Leeds and Farmington Railroad Company may suffer by reason of any deficiency in any of said fences, or by reason that any of them shall be out of repair, at any time prior to the first day of December, 1915.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all damages that may be suffered by any individuals, by the destruction of any of their domestic animals, that may be injured or killed by being on the track of said Leeds and Farmington Railroad, for which the said Leeds and Farmington Railroad Company shall be liable during said term of forty-eight years and six months, and fully to indemnify said Leeds and Farmington Railroad Company from the payment of damages in any and all such cases, and from any and all suits that may be brought therefor, and

from any and all damages that may be recovered for injuring or destroying domestic animals on the track of said Leeds and Farmington Railroad in any such suit or suits for injuries done during said forty-eight years and six months.

And said Androscoggin Railroad Company does hereby further covenant and agree to pay all damages that may be suffered by individuals in their persons and property, or either, by reason of any injury they may receive while they or their property shall be in course of transit over said Leeds and Farmington Railroad, or by fire from the engines or cars passing over said railroad, extending to and destroying property not in the course of transit, or which said Leeds and Farmington Railroad Company shall be liable during said period of forty-eight years and six months; and fully to indemnify said Leeds and Farmington Railroad Company from the payment of damages in any and all such cases, and from any and all suits that may be brought therefor, and from any and all damages and costs, that may be recovered against said Leeds and Farmington Railroad Company in any such suit or suits, for injuries arising on said Leeds and Farmington Railroad, until the first day of December, 1915.

And the said Androscoggin Railroad Company does hereby covenant and agree, in consideration of said demise, and as one of the express conditions hereof, to do and perform all things legally incumbent upon the said Leeds and Farmington Railroad Company to do and perform in connection with the maintaining, operating and managing said Leeds and Farmington Railroad, and to save harmless the said Leeds and Farmington Railroad Company from any and every liability of whatever nature, which may thereby be incurred, and any and every cause of action which may thereby accrue, and any and every suit that may be instituted against said Leeds and Farmington Railroad Company during the continuance of this lease for such liability.

And for the rent of said demised property, said Androscoggin Railroad Company does hereby further covenant and agree, for the first forty-two months, to pay at the rate of thirty-two thousand dollars per year, to be paid semi-annually, that is to say, sixteen thousand dollars every six months, to be paid on the first days of December and June in each year: for the next five years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-four thousand dollars per year; for the next five years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-six thousand dollars per year; for the next ten years said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of thirty-eight thousand dollars per year; and for the remaining twenty-five years, said Androscoggin Railroad Company hereby covenants and agrees, to pay rent at the rate of forty thousand dollars per year; and said Androscoggin Railroad Company further covenants and agrees to pay all of said rents in semi-annual payments, on the first days of June and December in each year, till the whole is paid.

And said lessee is to have all the old iron and other materials that may be taken from the road, fixtures and appurtenances, in making repairs, and all buildings or parts of buildings that may be replaced by others, whether upon the same or other ground.

MAINE CENTRAL RAILROAD.

And said Androscoggin Railroad Company does hereby further covenant and agree to quit peaceably, and give up the possession of said Leeds and Farmington Railroad, with all its depots and other buildings, and to leave the same in a good and safe state of repair on the first day of December, 1915.

And, whereas an inventory was taken on the twenty-first day of December, 1866, of all the rolling stock, implements, tools and other tangible personal property of said Leeds and Farmington Railroad Company, as it existed on the first day of December, 1865, by the said two railroad companies, the Leeds and Farmington Railroad Company, acting by its committee, consisting of Daniel Holland, Jabez C. Woodman and Reuben Cutler; and said Androscoggin Railroad Company, acting by its committee, consisting of Oliver Moses and John H. Kimball, and by said inventory, the value of all said rolling stock, implements, tools and other tangible personal property belonging to said Leeds and Farmington Railroad Company, whether owned in severalty or owned in common with said Androscoggin Railroad Company, was found to be twenty thousand two hundred and forty-three dollars (\$20,243.00,) the said parties do hereby covenant and agree, that said inventory shall become incorporated into this instrument and shall constitute a part of the same, and a copy thereof is hereto annexed, marked A.

And said Androscoggin Railroad Company does hereby further covenant and agree, that on the first day of December, 1915, on the termination of this lease, said Androscoggin Railroad Company will deliver to said Leeds and Farmington Railroad Company, other rolling stock, tools, fuel and other tangible personal property of like kinds suitable for said railroad, of the full value of twenty thousand two hundred and forty-three dollars (\$20,243.00).

And said Androscoggin Railroad Company does further covenant and agree, that if said company shall fail to pay any portion of the rent reserved and stipulated as aforesaid on the day the same shall become payable, or if said Androscoggin Railroad Company shall fail to perform any other of the foregoing covenants, on its part to be performed, this lease shall be thereby terminated at the election of said lessor, and said lessor may at once enter into possession of all the aforesaid demised property, and expel said lessee without process of law and without previous notice.

In testimony whereof, the said Leeds and Farmington Railroad Company, by Henry M. Payson, president of said company, for that purpose specially authorized by a vote of the directors of said company, and said Androscoggin Railroad Company, by Oliver Moses, president of said company, for that purpose specially authorized by a vote of the directors of said company, have hereto affixed the names and seals of their respective corporations on the day and year first above written.

*Signed, sealed and delivered
in presence of*

J. C. WOODMAN,
G. F. THURSTON.

J. H. KIMBALL.
TIMOTHY EVERETT.

H. M. PAYSON, [L. S.]
Pres. L. & F. R. R. Co.

OLIVER MOSES, [L. S.]
Pres. Androscoggin R. R. Co.

CONTRACT

*with Leeds and Farmington Railroad Company and the
Maine Central Railroad.*

[MEMORANDUM OF AN AGREEMENT by and between the Leeds and Farmington Railroad Company of the first part, and the Maine Central Railroad Company of the second part, made and entered into this twenty-ninth day of July, A. D. 1871, witnesseth:

Whereas, the Androscoggin Railroad Company has assigned its lease of the railroad of the party of the first part to the party of the second part, it is hereby agreed by the parties hereto, to modify said lease as follows:

ART. 1. The term shall be nine hundred and ninety-nine years, instead of the term named in said lease.

ART. 2. In lieu of the rent stipulated in said lease, and in lieu of all rent, the party of the second part hereby agrees to pay the coupon interest on bonds to be issued by the party of the first part, to the amount of six hundred and thirty-three thousand three hundred and thirty-three dollars, as the same shall fall due, and also will pay the principal of said bonds when they mature.

Said bonds are dated the first day of July, A. D. 1871, payable the first day of July, A. D. 1896, secured by a mortgage of said railroad, to which mortgage said lease is hereby made subject, having coupons attached for the payment of the interest on said bonds, at six per cent. per annum, payable semi-annually.

And it is agreed that each one of said bonds shall be endorsed with the words "the payments of the principal and coupons of the within bond guaranteed by the Maine Central Railroad Company, as per contract dated the twenty-ninth day of July, A. D. 1871," and the endorsement signed by the treasurer of said party of the second part, and said party of the second part shall be held to pay no bonds not thus authenticated.

ART. 3. That said party of the first part will save said party of the second part harmless from all liability for any incumbrance on said railroad other than said mortgage to secure the amount of the bonds above named.

ART. 4. That the stock now issued and held by the stockholders of said party of the first part shall be all or substantially all, transferred to such persons as the party of the second part shall designate to be holden in trust for the said party of the first part's own stockholders.

ART. 5. That said lease shall not be forfeited by a failure to pay said bonds and coupons, but the holders thereof shall have all other remedies to which they are entitled under the laws of the State.

In witness whereof the said Leeds and Farmington Railroad Company and the Maine Central Railroad Company have caused these presents to be executed in behalf of them respectively, by their respective presidents under their respective corporate seals.

Maine Central Railroad Company,

By R. D. RICE, *President.*

Leeds and Farmington Railroad Company,

By H. M. PAYSON, *President.*

LAWS OF 1867, CHAP. 354.

An act additional to the acts which constitute the charter of the Maine Central Railroad Company.

Be it enacted, &c. The following sections are additional to the acts which constitute the charter of the Maine Central Railroad Company:

May extend road from Danville to Portland.

Interference with track and lands of P. & K. R. R. prohibited.

Route.

Rights, obligations, &c.

Conditions of transportation on line of P. & K. R. R.

SECT. 1. The company is empowered, upon land which it shall have acquired, in the mode prescribed in the acts to which this is additional, to construct a railroad, with one or more sets of rails, extending from some point in Danville, on the line of its present road, and at or near the Danville Junction, to the city of Portland; *provided, however*, that if said Maine Central Railroad Company shall locate said contemplated road from Yarmouth, or any intermediate point between that and Portland along the line of the Portland and Kennebec Railroad, it shall do so, so as not to obstruct or interfere with the tracks of said last named company, except in crossing the same; *and provided further*, that from a point at the westerly side of Vaughn's bridge road (Danforth street) in Portland, said contemplated railroad shall not be located on any land now owned by the Portland and Kennebec Railroad Company, without the consent of said company, in writing, except to cross the track of said road west of the land of the Glass Company.

SECT. 2. The road thus authorized may pass, in its course, through any or either of the towns of New Gloucester, Gray, North Yarmouth, Pownal, Yarmouth, Cumberland, Falmouth and Westbrook.

SECT. 3. In relation to this authorized road, the company is hereby vested, in all respects, with the same rights, privileges and immunities, and made subject, in all respects, to the same obligations and liabilities that were attached to it, in relation to its existing road, either by the general railroad act (chapter fifty-one of the revised statutes) or by the acts to which this act is additional.

SECT. 4. If said contemplated railroad shall be located along the line of the Portland and Kennebec Railroad, it shall not, without the written consent of the said railroad company,

receive and transport any passengers or freight between any point along said line, after it strikes the road-way of said Portland and Kennebec Railroad.

SECT. 5. All and any real estate, acquired for railroad uses, shall be taxed to the company by the city or town in which the estate lies, in the same manner and upon the same valuation as lands of the same quality owned by individuals.

Taxes, &c.

SECT. 6. Any person or persons who shall wilfully obstruct the passage of any carriage upon the track, or destroy or injure any railroad authorized by this act, or anything belonging hereto, or any material or apparatus or implement designed to be employed in the construction of the road, or for the use of the company, shall forfeit and pay treble damages, to be recovered to the use of the company, by suit brought in the name of its treasurer.

Malicious trespass and penalties therefor.

SECT. 7. For such wilful or wanton trespass the offender or offenders, on conviction, upon an indictment, are punishable by fine, to the use of the State, not exceeding five hundred dollars, or by imprisonment and labor in the State prison not exceeding six years.

Further punishment by fine and imprisonment.

SECT. 8. Upon the acceptance of this act, the company may, deemed expedient, increase its capital stock to an amount in whole not exceeding ten thousand shares of one hundred dollars each.

Increase of capital stock.

SECT. 9. Five years after the passage of this act are allowed the company in which to locate and construct said road.

Time for location, &c.

SECT. 10. If this act be accepted by the company, that acceptance shall be immediately certified by its clerk to the Secretary of State. *Approved February 25, 1867.*

Clerk to give notice of acceptance.

DEXTER AND NEWPORT RAILROAD.

The length of the Dexter and Newport Railway from its connect with the Maine Central at Newport, to Dexter, is about fourteen mi. The road was opened November 26, 1868.

It has been operated by the Maine Central under a lease for thirty years from the 24th day of February, 1869, at a rent of \$18,000 per year.

The company was organized April 3, 1867.

LAWS OF 1853, CHAP. 171.

An act to establish the Dexter and Newport Railroad.

Be it enacted, &c. SECT. 1. Joseph Kelsev, James

Holmes, Thomas S. Pullen, Ezra S. Clark, Abijah B. Chase, Jacob S. Elliot, Paul M. Fisher, Gilman M. Burleigh, Augustus S. French, Josiah Crosby, Samuel McClellan, Lyander Cutler, William G. Clark, and Stephen Lowell, their associates, successors and assigns, are hereby made and constitute a body politic and corporate, by the name of the Dexter and Newport Railroad Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy the proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges as in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally to complete, alter, and keep in repair, a railroad with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point at or near the village of Dexter, to a point of junction and connection with the Penobscot and Kennebec Railroad in Newport; and said Dexter and Newport Railroad Company are hereby authorized to connect their railroad with the railroad of the Penobscot and Kennebec Railroad Company at said Newport; and said Pe-

Corporators.

**Corporate
name.**

Rights at law.

Location and construction, &c., authorized.

—junction, &c.

Penobscot and Kennebec Railroad Company shall be required to receive and transport on their road all persons, goods and property of all descriptions which may be carried or transported on said Dexter and Newport Railroad to said point of connection with said Penobscot and Kennebec Railroad, at rates of toll and freight on such passengers, goods and other property as may be received from said Dexter and Newport Railroad, so connected with said Penobscot and Kennebec Railroad, as shall not exceed their just proportion of the general rates of toll on said latter road received for freight and passengers at any of the depots of said Penobscot and Kennebec Railroad Company; nor shall such rates of toll and freights which said latter company shall be entitled to demand and receive of said Dexter and Newport Railroad Company, exceed the rates when taken in a just proportion which may be accorded by said Penobscot and Kennebec Railroad Company to any other company that may at any time hereafter connect with said Penobscot and Kennebec Railroad Company; and said latter named company shall be under obligation to transport over their road, in connection with their own trains, in any direction desired, the passenger and other cars of said Dexter and Newport Railroad Company at rates not to exceed those which may be fairly charged under the rules hereinbefore prescribed. Said Dexter and Newport Railroad is to be located and constructed on such route within the limits aforesaid as the directors of said corporation, in the exercise of their best judgment, shall judge most feasible and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation shall be and hereby is invested with all the powers, privileges, and immunities, which are or may be necessary to enable them to carry into effect the purposes and objects of this act as herein set forth. And for these purposes said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said road; and they shall also have the right to take, remove, and use, for the construction

Transportation
of passengers,
&c.

Rates of toll in
conjunction
with other
roads regula-
tion of.

Transportation
of cars, &c.,
regulation of.

Route of road.

Powers, privi-
leges, &c.

May purchase
or take land,
materials, &c.

Proviso.

Compensation
for damages.

Damages, how
determined.

Land, how held.

Damages, ap-
plication for
limited.

Right to fell
and remove
trees.

General powers
privileges, &c.

Lands taken of
persons under
guardianship,
&c., damages,
how adjusted.

and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials from the lands so taken; *provided, however*, that said land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavation or embankment; and *provided also*, that in all cases said corporation shall pay for such lands, estate, or material so taken and used, such price as they and the owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have a right to fell or remove any trees standing therein within four rods from such road, which by their liability to be blown down, or from their natural ing, might obstruct, or impair said railroad, by paying a just compensation therefor; to be recovered in the same manner as is provided for the recovery of other damages in this act. And, furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, and other general laws of this State, affecting railroads, not inconsistent with the express provisions of this charter.

SECT. 2. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for

damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases and charges therefor.

SECT. 3. The capital stock of said corporation shall consist not less than one thousand nor more than four thousand shares, not exceeding one hundred dollars to each share; and the immediate government and direction of the affairs of said corporation shall be vested in five or seven directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of said directors shall constitute a quorum for the transaction of any business which said board of directors may be competent to transact and perform, they shall elect one of their number to be president of the board who shall also be president of the corporation, they shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and also a treasurer who shall be sworn, and give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than fifteen thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to said stock, books shall be opened under the direction of the persons named in the first section of this act, or the major part of them, at such time as they may determine, in the towns of Dexter, Newport, Dover and Waterville, and the cities of Bangor and Belfast, in this State, and elsewhere, as they shall appoint, to remain open for ten successive days, of which time and places of subscription public notice shall be given in some newspaper, designated by said persons, or a majority of them named in the first section of this act, printed in Belfast, Bangor and Dover, twenty days at least previous to the opening of said subscription; and in case the amount subscribed shall exceed four thousand shares, the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the closing of said books. And any seven of the persons named in the first section of this act are hereby authorized to call the

Capital stock.

Shares.

Government to be vested in a board of directors.

President.

Clerk.

Treasurer.

Books for subscription, where opened, &c.

Notice to be given.

Excess of subscription, how distributed.

First meeting.

Amended 1867,
ch. 359.

first meeting of said corporation, by giving notice of the time, place and purposes of said meeting, in one or more newspapers published in the town and cities last above named, if any shall be published therein, at least twenty days before the time mentioned in such notice.

By-laws, &c.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

President and
directors, pow-
ers and duties
of.

SECT. 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold within or without the State, land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said railroad and for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation.

Land, cars, &c.

Assessments,
how made, &c.

Notice, how
given.

Assessments,
neglect to pay,
proceedings in
case of.

Shares of de-
linquent sub-
scribers, how
disposed of.

And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his

r shares shall sell for more than the assessments due interest and costs of sale; *provided, however*, that no **Proviso.** rent shall be laid upon any shares in said corporation, greater amount in the whole than one hundred dollars.

. 6. A toll is hereby granted and established for the sole **Toll.** of said corporation upon all passengers and property of descriptions, which may be conveyed or transported by pon said road, at such rate as may be agreed upon and shed from time to time by the directors of said corpora-

The transportation of persons and property, the con- **Transportation, construction, &c.** struction of wheels, the forms of cars, and carriages, the weights ls, and all other matters and things in relation to said hall be in conformity with such rules, regulations, and ons as the directors shall from time to time prescribe ect.

c. 7. The legislature may authorize any other company **Connection with other roads, regulation of, &c.** companies to connect any other railroad or railroads, with road of said corporation. And said corporation shall e and transport all persons, goods and property of all otions, which may be carried and transported to the rail- of said corporation on such other railroads as may be ter authorized to be connected therewith at the same of toll and freight as may be prescribed by said corpora- o that the rates of toll and freight on such passengers oods and other property as may be received from such railroads so connected with said railroad as aforesaid, ot exceed the general rates of freight and toll on said d received for freight and passengers at any of the ts of said corporation.

r. 8. If the said railroad in the course thereof shall cross **Private ways, crossing of.** private way, the said corporation shall so construct said d as not to obstruct the safe and convenient use of such e way; and if the said railroad shall in the course thereof, any canal, turnpike, railroad or other highway, the said d shall be so constructed as not to obstruct the safe and **Canals, turnpikes, &c., crossing of.** nient use of such canal, turnpike, or other highway; and id corporation shall have power to raise or lower such ke, highway, or private way; so that the said railroad, if

necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

Bridges, abutments, &c.

SECT. 9. Said railroad corporation shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for conducting such highway, private way or turnpike over said railroad.

Navigable waters, &c., crossing of.

SECT. 10. If said railroad shall, in the course thereof, cross any navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for their sole and exclusive use on their said railroad, a bridge across each of said rivers or streams; *provided* said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

Fences.

—liable for indictment for neglect to build.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands; and for neglect or failure to erect and maintain such fences, said corporation shall be liable to be indicted in the supreme judicial court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Mail, transportation of.

In case of disagreement, how determined.

Obliged to keep road in repair, &c.

SECT. 12. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages, and vehi-

, for the transportation of persons, and articles, and be
 ged to receive at all proper times and places, and convey the
 e, when the appropriate tolls therefor shall be paid or ten-
 ed; and a lien is hereby created on all articles transported
 said tolls. And the said corporation, fulfilling on its part
 and singular the several obligations and duties by this section
 posed and enjoined upon it, shall not be held or bound to
 w any engine, locomotive, cars, carriages, or other vehicle
 the transportation of persons or merchandise to pass over
 l railroad, other than its own, furnished and provided for
 : purpose as herein enjoined, and required; *provided, how-*
 r, that said corporation shall be under obligations to transport
 r said road, in connection with their own trains, the passen-
 and other cars of any other incorporated company that may
 eafter construct a railroad connecting with that hereby
 horized, such other company being subject to all the pro-
 ons of the sixth and seventh sections of this act as to rates
 toll, and all other particulars enumerated in said sections.
 SECT. 13. If any person shall wilfully and maliciously, or wan-
 ly, and contrary to law, obstruct the passage of any carriage
 said railroad, or in any way spoil, injure or destroy said
 road, or any part thereof, or anything belonging thereto,
 any materials, or implements to be employed in the con-
 iction of, or for the use of said road, he, she, or they, or
 r person or persons assisting, aiding, or abetting such tres-
 s, shall forfeit and pay to said corporation for every such
 ence, treble such damages as shall be proved before the
 ice, court, or jury, before whom the trial shall be had, to
 sued for before any justice or in any court proper to try
 same, by the treasurer of the corporation, or other officer
 om they may direct, to the use of said corporation. And
 h offender or offenders shall be liable to indictment by the
 nd jury of the county within which trespass shall have been
 mitted, for any offence or offences contrary to the above
 visions; and upon conviction thereof before any court com-
 ent to try the same, shall pay a fine not exceeding five hun-
 d dollars, to the use of the State, or may be imprisoned for
 erm not exceeding five years, at the discretion of the court,
 ore whom such conviction may be had.

Obliged to
 transport pas-
 sengers, &c.,
 after payment
 of tolls.

Lien for pay-
 ment of toll.

Cars and en-
 gines of other
 roads, &c.

Proviso.

Malicious
 mischief, tres-
 pass, &c.

Forfeiture,
 punishment,
 &c.

Offenders liab
 to indictment
 &c.

Accounts of
corporation,
how kept.

Annual
exhibit.

Property, when
taxable, &c.

Net income
over 10 per
cent. per
annum, how
disposed of, &c.

Annual meet-
ing.

Directors,
when chosen.
Votes.

SECT. 14. Said corporation shall keep in a book for that purpose, a regular account of all their disbursements, expenditures, and receipts, and the books of said corporation shall be open at all times to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation, shall make an exhibit under oath to the legislature of the net profits derived from the income of said railroad.

SECT. 15. All real estate purchased by said corporation, for the use of the same, under the fifth section of this act, shall be taxable to the said corporation by the several towns, cities, and plantations, in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as other real estate of the same quality, in such town, city, or plantation, and not otherwise, and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside, and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time one moiety or such other portion as the legislature may from time to time determine of the net income from said railroad, accruing thereafter, over and above ten per centum per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation as a tax into the treasury of the State, for the use of the State: and the State may have and maintain an action against said corporation therefor, to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation on any of their privileges or franchises.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the second Monday in June or such other days as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes

as he holds shares. And the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Special meetings.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation; and to correct and prevent all abuses of the same and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations.

Legislature, right to investigate the doings of said corporation.

SECT. 18. If the said corporation shall not have been organized and the location according to actual survey of the route, filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-six, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty, in either of the above-mentioned cases this act shall be null and void.

Time for organizing, &c., limited.

Amended 186 chap. 347.

SECT. 19. In case a railroad shall be chartered by the present or any succeeding legislature from Belfast to Moosehead Lake, or to the southern terminus of the railroad hereby chartered, and the same shall hereafter be built, the company building said road shall have the right to purchase the Newport and Dexter Railroad by paying therefor all the costs of location, construction, expenses of grounds, depots, land damages, equipment, furnishing and all other expenses attending the building and equipment thereof, with legal interest on the same from the time of each and every portion of such expenditure, first deducting from the same the net income of said road, if any, accruing prior to the purchase; or said Belfast and Moosehead Lake Corporation may, if they choose, build said Newport and Dexter Railroad themselves; *provided*,

Right to sell and dispose of road.

Proviso.

Charter, when
void.

they build and complete the same before the Penobscot and Kennebec Railroad shall be built either from Newport to Bangor or from Newport to Waterville, and in case the Belfast and Moosehead Lake Corporation shall build said Newport and Dexter road as aforesaid, then in that event the charter for said Newport and Dexter road shall be void, and no road shall be built by virtue of the same. *Approved March 30, 1853.*

LAWS OF 1864, CHAP. 347.

An act to extend and amend "an act to establish the Dexter and Newport Railroad," approved March thirtieth, eighteen hundred and fifty-three.

Location, time
of, extended.

Be it enacted, &c. SECT. 1. The time for the location and completion of said Dexter and Newport Railroad be and is hereby extended to January first, eighteen hundred and seventy.

Authorized to
lease railroad,
&c.

SECT. 2. The directors of said railroad company are hereby authorized to lease said railroad to the Maine Central Railroad Company, and to make such other contracts with the directors of said company as may be necessary for the operation of their road.

SECT. 3. This act shall take effect and be in force on and after its approval by the governor. *Approved March 3, 1864.*

LAWS OF 1867, CHAP. 192.

An act to authorize certain towns to grant aid in the construction and completion of the Dexter and Newport Railroad.

Dexter, Cor-
inna and Park-
man authorized
to loan credit.

Amounts.

Be it enacted, &c. SECT. 1. The towns of Dexter, Corinna and Parkman, and each of them, or so many of them as shall accept this act, are severally authorized to loan their respective credits to the Dexter and Newport Railroad Company in aid of the construction and completion of their railroad, in amounts not exceeding the sums as follows, viz: the town of Dexter, one hundred and twenty-five thousand dollars; the town of Corinna, fifty thousand dollars, and the town of Park-

fifteen thousand dollars, subject to the following terms and conditions.

Art. 2. If this act shall be accepted as hereinafter provided, said company shall within two years from its approval, the evidence satisfactory to the selectmen for the time of the towns accepting the same, that the sum of seventy thousand dollars has been subscribed and paid in cash to stock of said company, to be expended in the construction of said road and the purchase of the right of way, then such shall be certified by the selectmen to the town treasurer, who shall forthwith issue to the directors of said company for the purpose of completing said road, the scrip of said company payable to the holders thereof in sums of one thousand dollars or less, as the parties may deem expedient, at the expiration of thirty years from the date thereof, not to exceed the amount aforesaid for each town respectively, with coupons for interest attached, payable semi-annually, all, both principal and interest, payable in Dexter, Portland and Boston, the scrip to be signed by the town treasurer and countersigned by the first selectman of the town issuing the scrip.

Conditions under which scrip of town may be issued.

Amount of same.

When and where payable, and by whom signed.

Art. 3. Concurrent with the delivery of said scrip as aforesaid, the president and directors of said company, in their corporate capacity, shall execute and deliver to said town treasurer the bond of said company in the penal sum of three hundred thousand dollars, payable to said towns conditioned to remain harmless on account of the issue of the same. And said company shall also execute and deliver to said town treasurers the scrip of said company payable to the holders thereof at the same time and for the same amount as the scrip then issued by said town treasurers to said company, with the like coupons attached, and said scrip shall be held by said towns as collateral security for the fulfilment of the conditions of said bond; and in default of one of said conditions, said towns may from time to time sell said scrip or any portion thereof, at public auction, in the cities of Bangor, Portland, Boston or New York, after ten days' notice in writing to the president or one of the directors, or three of the stockholders of said company, naming therein the time and place of sale, and the net proceeds of said sale shall be endorsed on said bond.

Bond of corporation, amount and conditions of payment.

Scrip of railroad, to whom issued, amount and how held.

In default of condition, how, when and where scrip may be disposed of.

Mortgage, how
executed,
conditions and
record of same.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon the receipt of said scrip from said towns, and the delivery of their bond to said towns to secure the payment of the same, to execute and deliver to said towns a mortgage of said railroad, and of all the property of said company, real and personal, which they then have, or may subsequently acquire, together with their franchise without prior incumbrance, which mortgage shall be signed by the said president in his official capacity, and shall be executed according to the laws of this State, and shall be in due legal form, and shall contain apt and sufficient terms to secure to said towns the fulfilment of all the conditions in said bond contained; and said mortgage so executed and delivered and recorded in the registry of deeds for the county of Penobscot, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer of said railroad, of all the property of said company, real and personal, then or subsequently to be acquired, and of said franchise, subject only to the conditions therein contained, any law to the contrary notwithstanding.

Foreclosure of
mortgage, by
whom and how
effected.

SECT. 5. For the purpose of foreclosing said mortgage for conditions broken, it shall be sufficient for the selectmen of said towns to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice thereof, which may be published in a newspaper printed in Bangor, and a record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Penobscot, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the condition shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title to said road, and to all the property and franchises aforesaid, absolute in said towns.

In default of
payments by
company,

SECT. 6. If the directors of said company shall, at any time, neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered under the

provisions of this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bond, the said towns may take actual possession in the manner herein-after provided, of the whole of said railroad and of all the property, real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof to make up and supply such deficiencies and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice, signed by the selectmen, and served upon the president or treasurer, or any director of the company, or if there be none such, upon any stockholder of the company, stating that the towns thereby take actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the said towns, and shall enable the towns to hold the same against any other claims thereon until such purposes have been fully accomplished.

towns may take possession of road and franchise.

Income, how held and applied.

Notice of possession, how given, &c.

SECT. 7. All moneys received by or for the said railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to, and be held for the use and benefit of the towns in manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the town treasurers, or some one of them, which payment shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice, shall make payment of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the towns therefor; all moneys received by the treasurer of the company, after such notice, or in his hands at the time such notice may be given, shall be by him paid to the town treasurers or some one of them, after deducting the amount expended, or actually due for the running expenses of the road, for services of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the town treasurer shall be made at the end of every calendar

Moneys accruing to road after notice of possession, to be paid to town treasurers.

Deduction for expenses, salaries and repairs

Payments to be made monthly

Enforcement
of foregoing
provisions, how
and by whom
made.

month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the town treasurer, whose duty it shall be to sue for the same, to be by them held and applied as herein required.

Suit, injunction
&c., and pow-
ers of S. J. C.
relating thereto

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the selectmen may cause a suit in equity to be instituted in the name of the towns, in the supreme judicial court, in the county of Penobscot, against said company, directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the power, and according to the course of proceedings, of courts of equity, as the necessities of the case may require.

Towns may
appoint direct-
ors and officers
for road after
notice of pos-
session.

SECT. 9. If the said railroad company shall, after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the selectmen shall appoint a board of directors consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under the provisions of the act establishing said company, and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

Authority and
duties of same.

Liens, how
created and
enforced.

SECT. 10. As an additional or accumulative protection for said towns, all liabilities which by said towns may be assumed or incurred under, or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same, create in favor of said towns a lien on said railroad, its franchise, and all of its appendages, and all real and personal property of said railroad corporation:

en shall have the preference and be prior to all other incumbrances whatever, and shall be enforced, and the rights and interests of said towns protected, when necessary and proper judgments, injunctions or decrees of the supreme judicial court, on a bill or bills in equity, the power is hereby specially conferred on said court.

11. This act shall not take effect unless it shall be accepted by said company, and by a vote of the inhabitants of the towns voting in meetings duly called according to law, at least two years after the approval of this act by the governor; and at least two-thirds of the votes cast at such meetings shall be necessary for the acceptance of this act. The respective town clerks shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record made, all the parts of the act shall take effect and be in full force hereafter on the towns so accepting the same. *Approved January 25, 1867.*

When to take effect and regulation as to same.

LAWS OF 1867, CHAP. 359.

additional to "an act to establish the Dexter and Newport Railroad."

enacted, &c. SECT. 1. The chairman and clerk of the Dexter and Newport Railroad Company are hereby authorized, on behalf of said company, to call the first meeting of the subscribers to the capital stock of said company for the choice of a place and other proper business, by giving notice of the time and place and purposes of said meeting, in one or more newspapers published in the town of Dover, and the cities of Portland and Belfast, at least twenty days before the time mentioned in such notice.

Organization, how effected.

2. This act shall take effect when approved by the governor. *Approved February 25, 1867.*

Shares of the capital stock of Dexter and Newport Railroad are exempt from taxation for ten years from November 26, 1868. See *Rev. Stat.*, 1867, chapter 395, page 198 of this book.

LEASE

Of the Dexter and Newport Railroad to the Maine Central Railroad for thirty years from the twenty-fourth day of February, 1869.

THIS INDENTURE, made this twenty-fourth day of February, A. D. 1869, witnesseth :

That the Dexter and Newport Railroad Company does hereby demise and let unto the Maine Central Railroad Company the Dexter and Newport Railroad, together with the depot grounds, structures thereon, Y at Newport, water rights, and all the privileges and appurtenances thereto belonging, more particularly described as follows :

The railroad hereby leased is the railroad of the Dexter and Newport Railroad Company as now in actual use, extending from the Maine Central Railroad in Newport to Liberty street in Dexter, is four rods wide, commencing at the Maine Central Railroad to the north line of James R. Mills' land in Newport, equally divided in width by the central line of the track, except that the land of Amanda A. Frye, over which the Dexter and Newport Railroad Company have a right of way for the railroad and the right to use said land for all purposes necessary or convenient for the railroad is described as follows : bounded on one side by the northerly side of the railroad of the lessees, on the westerly side by the land of Elisha W. Shaw, and the line of said Shaw's land as the same was before it was taken by the lessors, on the other side by a fence commencing at a point where the northerly side of the Dexter and Newport Railroad crosses said Shaw's land two rods from the centre of said railroad as located on said Shaw's land, and running on the line of said fence as now built to the Maine Central Railroad ; thence from James R. Mills' north line to the south line of Samuel Young's land in Newport, the railroad is six rods wide, equally divided as aforesaid ; thence to the north line of Alvin Young's land in Corinna, four rods wide, equally divided as aforesaid, except as to the land now or formerly occupied by S. H. Wilkins, the land of Charles Proctor, the land formerly owned by V. A. Sprague adjoining the old school-house lot, and said school-house lot, where the railroad is fifty feet wide on said Wilkins' land, twenty-eight feet wide on the land of said Proctor, thirty feet wide on said Sprague's land, and school-house lot equally divided as aforesaid, except that at the south-westerly corner of said Sprague's land, on the westerly side of the railroad, the width of the westerly side from the center is about thirteen feet at its narrowest point, and for a short distance is less than fifteen feet as exhibited on "plan of depot grounds in Corinna," hereto annexed, and except farther that the meeting-house lot adjoining said depot grounds does for a short distance lessen the width of the railroad on the easterly side as exhibited on said plan ; thence from the north line of Alvin Young's land to the south line of the town of

Dexter, six rods wide, being forty-four feet wide on the westerly side, and fifty-five feet wide on the easterly side of said central line, except as to land conveyed to the lessors by S. & A. C. Libby, in Corinna, where the railroad is six rods wide, equally divided as aforesaid; thence from the south line of the town of Dexter to Liberty street in Dexter, four rods wide, equally divided as aforesaid.

The Y at Newport is four rods wide, equally divided as aforesaid; the southerly side of the same being a portion of the Maine Central Railroad, the use of which is to be of no charge to the lessors.

Other land in Newport included in this lease is the easterly portion of land on the inside of the Y bounded by the Maine Central Railroad on the south, by the Dexter and Newport Railroad on the east, and on the west by a line extending from one railroad to the other, parallel with the westerly end of the engine house there standing, and ten feet westerly distant from its westerly end.

The depot grounds in Corinna are two parcels of land marked "depot grounds" Nos. 1 and 2, on "plan of depot grounds in Corinna," hereto annexed. The first parcel, "depot grounds No. 1," lies westerly of the railroad and adjoining it, bounded by the railroad easterly, northerly by a line in range with the southerly line of the meeting-house lot from the westerly side of the railroad (where it is thirty feet wide) eighty-two feet, thence by a line southerly to a granite rock about forty-five feet distant from the centre of the railroad at its nearest point, thence southerly from said granite rock by a line to a point about thirteen feet distant from the centre of the railroad on the northerly side of Main street, being all the land lying westerly of the railroad which was conveyed to the lessors by V. A. Sprague, by deed dated July 11, 1867, however bounded. The other parcel, "depot grounds No. 2," is marked "depot grounds No. 2," on said plan, and is of the dimensions therein described, and is all of the land which, lying easterly of the railroad, was conveyed to the lessors by Charles J. Fish by deed dated Oct. 13th, 1867.

The depot grounds in Dexter is the land marked "depot grounds" on the "plan of depot grounds in Dexter," hereto annexed, described as follows: commencing at the north-westerly corner of Mrs. Jonathan Shepley's land, on the southerly side of Liberty street, thence westerly on the southerly side of said street twelve rods, thence due south thirty-nine rods, and one-quarter of a rod to a cedar stake, thence due west three rods, six and one-half feet to a cedar stake four rods distant from a fence on Charles Shaw's land, thence southerly by a line parallel with and four rods distant from said fence fourteen rods and eleven feet to a cedar stake, thence east twenty-two degrees south ten rods across the railroad to a cedar stake, thence northerly forty-five and one-half rods by a line to a point on the southerly line of Mrs. Shepley's land, three rods and one foot easterly of her south-westerly corner, thence to said corner, thence northerly by her westerly line eight and one-half rods to the bounds begun at, but so far as a side track on said depot grounds to be by the lessees constructed on the westerly portion of the grounds shall vary from the aforesaid "thirty-nine and a quarter rod line," a line parallel with the westerly line of rails on said side track, and six feet distant from said line of rails shall be the boundary line instead of said "thirty-nine and a quarter rod line," and

MAINE CENTRAL RAILROAD.

in order in such case to make the boundaries complete, the "three rods, six and one-half feet line" shall be extended due east to said parallel line, and from the northerly end of said parallel line a line shall be extended westerly parallel with Liberty street to said "thirty-nine and a quarter rods line." Said parallel line is in no event to extend further west than to said "thirty-nine and a quarter rod line," and said westerly line of rails is in no case to approach nearer than six feet from said "thirty-nine and a quarter rod line."

The water rights included in this lease are the right to take water from the land of Jere. Page, in Dexter, as more particularly described in his deed to the lessors, dated October 4, 1868, and the right to convey the same, by an aqueduct, across the land of Ann S. McClellan. The remainder of the land through which the same passes, are public ways. Proper reservoirs and aqueduct on and from said Page's land to the Dexter depot are constructed and are included in this lease.

To hold for the term of thirty years, commencing on the twenty-fifth day of November, 1868, and ending on the 24th of November, 1898, yielding and paying therefor rent of eighteen thousand dollars per year.

And said lessees do covenant to pay the said rent in manner following: viz: Such portion thereof as has accrued, or shall accrue, before the twenty-fifth day of February, 1869, on that day, and ever afterward, in equal semi-annual payments, as follows, to wit: Nine thousand dollars on the twenty-fifth day of August, and nine thousand dollars on the twenty-fifth day of February, in each year, the portion remaining at the expiration of the lease less than six months, to be paid on the day of its expiration, and to keep the premises in proper repair during the term; in case of damage by fire or otherwise to the premises; to repair and rebuild without expense to the lessors; to save the lessors harmless from any claim on the part of any one on account of damage by fire, injury to passengers, loss of or injury to freight or baggage, or however the same may arise, caused or suffered by the lessees; not to make or suffer any strip or waste thereof, and at the end of the term to quit and deliver up the premises, including fences, to the lessors, their successors or assigns, in good order and condition.

And if said payments, or any of them, shall not be made when they become due, or if any of the aforesaid conditions or covenants to be by said lessors performed, shall be violated or neglected, then, and in either of said cases, the lessors, their successors or assigns, may, in any manner they may see fit, re-enter into the leased premises, and terminate and annul this lease so far as regards all future right of said lessees, and the same to have again, retain, re-possess and enjoy, as of their just estate, anything herein to the contrary, notwithstanding.

The lessees are to furnish their own rolling stock, and at all times to retain the same.

In witness whereof, the said Maine Central Railroad Company has caused this indenture to be subscribed in duplicate in its behalf, by Reuben B. Dunn, President of said company, and countersigned by Joshua Nye, its treasurer, and its seal affixed this twenty-fourth day of February, A. D., 1869.

REUBEN B. DUNN, [L. S.]
President M. C. R. R. Co.

(Countersigned) JOSHUA NYE, Treasurer.

And also in witness whereof the said Dexter and Newport Railroad Company has caused this indenture to be subscribed in duplicate in its behalf, by Charles Shaw, its president, and countersigned by George Hamilton, its treasurer, and its seal affixed this thirteenth day of March, A. D., 1869.

CHARLES SHAW, [L. s.]

President D. & N. R. R. Co.

(Countersigned) GEORGE HAMILTON, Treasurer.

The foregoing was duly acknowledged before Josiah Crosby, Jus. Pacis., March 13, 1869.

BELFAST AND MOOSEHEAD LAKE RAILROAD.

This road when chartered was intended to reach Moosehead Lake via Newport direct, but a contract for lease, when done, was entered into with the Maine Central and its route was deflected westward to connect with the lessee road at Burnham, instead of at Newport. After its completion a difference arose as to the manner of its construction, between the two companies, and it did not fully pass under the control and possession of the Maine Central until May, 1871. It has since been operated by the Maine Central under lease for fifty years, at a rent of \$36,000 per year. The length of the road is thirty-three and one-third miles; it cost about \$850,000.

LAWS OF 1867, CHAP. 380.

An act to incorporate the Belfast and Moosehead Lake Railway Company.

Be it enacted, &c. SECT. 1. Ralph C. Johnson, Thomas Marshall, Albert G. Jewett, Nehemiah Abbott, Joseph Williamson, Jonathan G. Dickerson, Reuben Sibley, Nahum P. Monroe, Seth L. Milliken, Samuel A. Howes, Hiram Pierce, Paul R. Hazletine, Hiram O. Alden, Columbia P. Carter, Alfred W. Johnson, Charles B. Hazeltine, Axel Hayford, William M. Rust, Philo Chase, Noah Mathews, Sherburne Sleeper, William Pitcher, Marshall Davis, John G. Brooks, William H. Simpson, Humphrey N. Lancaster, James P. White, Albert Small, Henry McGilvery, Horatio H. Johnson, Samuel R. Palmer, William O. Poor, Willard P. Harriman, Corporators.

Name, rights,
&c.

Name changed,
1868, ch. 626.

Location, &c.

See laws 1871,
ch. 645.

Route.

Lands, right of
construction,
&c.

Conditions.

Stephen S. Lewis, Hugh J. Anderson, Jr., Andrew D. Bean, William T. Colburn, Richard Moody, Oakes Angier, Joseph H. Kaler, Daniel Faunce, Augustus Perry, Andrew J. Stevens, Henry Woods, Daniel Lane, Jr., their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Belfast and Moosehead Lake Railway Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof or interruption in exercising and performing the same. And the said corporation is hereby authorized and empowered to locate, construct, and finally complete, alter, and keep in repair, a railway with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the city of Belfast, over the most practicable route to Moosehead Lake, excepting the distance from Newport village to Dexter village. And said corporation, shall be and hereby is invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken; *provided, however*, that said land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavation or embankment; and *provided also*, that in all cases said corporation shall pay for such lands, estate, or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not agree,

When said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such lands or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein within four rods from such road, which from their liability to be blown down, or from their natural falling, might obstruct, or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages mentioned in this act. And, furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this act.

Land damages, how and by whom determined.

Limit of time for making application for same.

Removal of trees and compensation for same.

Provisions of chap. 81, R. S. made applicable hereto.

SECT. 2. When said corporation shall take any land or other property as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land or other property as aforesaid, and give good and valid releases and discharges therefor.

Powers of guardians relative to land damages.

SECT. 3. The capital stock of said corporation shall consist of not less than five nor more than fifty thousand shares of one hundred dollars each, and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall

Capital stock and shares.

Amended 1868, ch. 626.

Directors and term of office.

President,
clerk and
treasurer.

Stock books, by
whom and
where opened
for subscrip-
tions.

Organization.

By-laws and
regulations.

Powers of
president and
directors.

have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board who shall also be the president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than fifty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to said stock, books shall be opened under the direction of the eleven persons first named in the first section of this act, at such time as they may determine, in the towns of Waterville and Dexter, and in the cities of Belfast, Bangor and Boston, and elsewhere, as they shall appoint, to remain open for twenty successive days, of which time and place of subscription, public notice shall be given in some newspaper, printed in Belfast, Bangor and Boston, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed fifty thousand shares, the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And the eleven persons first named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in each of the cities above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and laws of this State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

SECT. 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing

said railroad and its appendages, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold lands, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road and its appendages, and for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale.

Assessments.

Remedies
against delin-
quent stock-
holders.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road and its appendages, at such rates as may be agreed upon from time to time by the directors of said corporation. The transportation of persons and property, the width of gauge, the construction of wheels, the form of cars, and carriages or other instruments of conveyance, the weights of loads, and all other matters and things in relation to said road and its appendages, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Toll, and rates
of same.Transportation,
construction,
form of rolling
stock, &c., how
regulated.

connection.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter with any other railway existing or to be constructed within this State. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

crossings.

SECT. 8. If the said railroad shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof, cross any canal, turnpike, railroad, or other highway, the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way. And said corporation shall constantly maintain and keep in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for conducting such highway, private way or turnpike over said railroad.

bridges.

SECT. 9. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation is hereby authorized and empowered to erect, for the sole and exclusive use of their said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *pro-*

vided said bridge or bridges shall be so constructed as not unnecessarily to obstruct the navigation of said waters.

SECT. 10. Said corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the supreme court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Fences.

SECT. 11. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a reasonable and fair compensation. And in case the corporation and postmaster general shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. And said corporation, after they shall commence receiving tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all the obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or property to pass over said railroad or its appendages, other than its own, furnished and provided for that purpose, as herein enjoined and required.

Mails.

Duty regarding condition of road and facilities for transportation.

Exclusive right to road.

SECT. 12. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage or other vehicle on said railroad or its appendages, or in

Malicious trespass and penalties therefor.

How recover-
able.

Further penal-
ties by fine and
imprisonment.

Accounts, &c.,
to be open to
inspection of
State authori-
ties.

Taxes, &c.,
where assessed.

any way spoil, injure or destroy said railroad or its appendages, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of said road or its appendages, he, she or they, or any person or persons assisting, aiding or abetting said trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which the trespass or injury shall have been committed, contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

SECT. 13. Said corporation shall keep, in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation, shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad and its appendages.

SECT. 14. All real estate purchased by said corporation for the use of the same under the provisions of this act, shall be taxable to said corporation by the several towns, cities and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as other real estate of the same quality in such town, city or plantation, and not otherwise; and the shares owned by the respective stockholders after deducting such portion as shall be taxed as real estate, shall be deemed personal estate, and be taxable as such to the owners thereof

in the places where they reside and have their home and not otherwise. But no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Exemption
from other
taxation.

SECT. 15. The annual meeting of the members of said corporation shall be holden on the first Wednesday in July, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall prescribe.

Directors, how
chosen, and
authority of
same to call
meetings.

SECT. 16. The legislature shall at all times have the right to enquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectually to compel a compliance with the provisions, liabilities and duties herein set forth and enjoined, and subject to the general laws regulating railroads now upon the statute book, or which may hereafter be passed by the legislature of this State.

Rights and
power of
legislature.

SECT. 17. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty first day of December, in the year of our Lord one thousand eight hundred and seventy-two, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, in either of the above mentioned cases, this act shall be null and void.

Limitation of
charter.

Amended 1871,
ch. 645.

SECT. 18. Said company shall not engage in, or commence the construction of said road, until fifty per centum of the estimated cost of said road, shall have been subscribed for by responsible persons. [Repealed 1868, chapter 626.]

Construction
conditional
upon subscrip-
tions to certai
amount.

Issue of stock
and limitation
of same.

Municipal
subscription,
authorized and
regulated.

Amended 1868,
ch. 626.

SECT. 19. That the corporation shall be authorized to issue non-preferred and preferred stock, upon such terms and conditions, and to such persons and corporations, and with such limitations and restrictions as may be deemed most for the interests of the subscribers, the success of the corporation, and the completion of the road; and cities and towns interested in the construction of said road, or to be benefited thereby, may subscribe at par value, for any amount of either class of said stock, by a vote of two-thirds of the legal voters of any such city or town, present at any meeting legally called therefor, not to exceed twenty per cent. of the amount of the valuation of such city or town; and such vote shall be obligatory on said city or town for the payment of the amount so subscribed; and said cities and towns may issue their bonds for such stock, on such time as may be agreed upon, with interest payable semi-annually, at a rate not exceeding six per cent. and for a period not exceeding thirty years, and all stock so subscribed for by said towns or cities shall be represented in said corporation by the municipal authorities thereof.

SECT. 20. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

The shares of the capital stock of the Belfast and Moosehead Lake Railroad are exempted from taxation for a term of ten years. See special law of 1867, chapter 395, page 198 of this book; also the bonds of said company are exempted from taxation for a period of time. See special law of 1871, chapter 662.

LAWS OF 1868, CHAP. 626.

An act amendatory of and additional to chapter three hundred and eighty of the laws of eighteen hundred and sixty-seven, entitled "an act to incorporate the Belfast and Moosehead Lake Railway Company."

Amended by
substituting
word railroad
for "railway."

Be it enacted, &c. SECT. 1. The title of an act to incorporate the Belfast and Moosehead Lake Railway Company, and the act itself, are hereby amended by striking out the word "railway" where it occurs, and inserting in the place thereof, the word "railroad."

Amended
as to minimum
of shares.

SECT. 2. The third section of said act is hereby amended by striking out the word "five" in the second line, and inserting the words "three thousand."

SECT. 3. The eighteenth section of said act is hereby re-
pealed. Section
repealed.

SECT. 4. The persons elected directors at the meeting of
the corporators, held at Belfast on the third day of July, anno
domini eighteen hundred and sixty-seven, and the persons who
have since been or may hereafter be elected by said directors
to fill vacancies in said board of directors, are hereby author-
ized and empowered to exercise all the powers granted to the
directors of said company by said act, until another board of
directors is elected by said company. Powers of
directors
further
continued.

SECT. 5. The city of Belfast may by a vote of three-fourths
of the legal voters of said city, present and voting, at any
meeting legally called therefor, subscribe one hundred and
forty thousand dollars to the stock of said company, in addition
to the amount specified in the nineteenth section of said act,
and may issue its bonds therefor, payable in thirty years, with
interest semi-annually, for a sum sufficient to raise that amount
in cash. City of Belfast
at legal meet-
ing may sub-
scribe further
sum of \$140,000
to stock.

Bonds and
interest.

SECT. 6. The authority given to towns and cities in said act
to subscribe to the capital stock of said company, and to issue
their bonds in aid of the same, shall be construed to give
them the right to issue their bonds to an amount sufficient to
raise a sum in cash equal to twenty per cent. of their valua-
tion. Cities and
towns may
issue bonds
equal to 20
per cent. of
valuation.

SECT. 7. This act shall take effect when approved. *Ap-
proved March 6, 1868.*

LAWS OF 1869, CHAP. 203.

An act relating to the collection of subscriptions and assessments by the
Belfast and Moosehead Lake Railroad Company.

Be it enacted, &c. SECT. 1. The Belfast and Moosehead
Lake Railroad Company, in addition to the remedy already
provided for the collection of the subscriptions to its capital
stock and assessments made by said company, shall have the
right to maintain an action of special assumpsit in the name of
said company to enforce payment of such subscription or assess-
ment. And such action shall be maintained if the terms and Subscriptions
and assess-
ments, remedy
for collection of.

conditions of the subscription to the capital stock of said company and the assessments upon it have been substantially complied with; and shall not be defeated by any mere informality in organizing said company or in electing its officers, or other merely informal act of the company or of any of its officers.

SECT. 2. This act shall take effect when approved. *Approved March 3, 1869.*

LAWS OF 1870, CHAP. 287.

An act to authorize the Belfast and Moosehead Lake Railroad Company to lease their road and for other purposes.

Authorized to
lease to Maine
Central.

Be it enacted, &c. SECT. 1. The Belfast and Moosehead Lake Railroad Company is hereby authorized to lease its railroad and appurtenances to the Maine Central Railroad Company, and to make such other contracts with said last named company as may be necessary for the operation of its said road.

Contract of
lease ratified.

SECT. 2. The contract for a lease of said railroad, entered into by said companies on the tenth day of June, in the year of our Lord one thousand eight hundred and sixty-nine, is hereby legalized.

SECT. 3. This act shall take effect when approved. *Approved January 25, 1870.*

LAWS OF 1871, CHAP. 645.

An act to authorize the Belfast and Moosehead Lake Railroad Company to construct wharves and piers into tide water in Belfast, and to amend the charter of said company, and for other purposes.

Authorized to
build wharves
and piers.

Be it enacted, &c. SECT. 1. The Belfast and Moosehead Lake Railroad Company are hereby authorized to build and maintain, or cause to be built and maintained wharves and piers into tide water on the easterly side of their railroad track, between the Belfast east bridge and Lewis' wharf in the city of Belfast, to extend not exceeding two hundred feet from said track, and the said railroad company are hereby authorized to construct any side tracks and turnouts, and to make any alterations or change of materials or improvements in said railroad;

May construct
side tracks and
turnouts, &c.

provided, that nothing in this act shall be construed in any way to impair or affect the rights and claims of parties who own or claim to own land where such wharves and improvements may be constructed. Proviso.

SECT. 2. Section seventeen of the three hundred and eightieth chapter of the private and special laws of eighteen hundred and sixty-seven, is hereby amended, so that said section shall read as follows, namely: "if the said corporation shall not have been organized and the location, according to actual survey of the route or some part thereof, filed with the county commissioners of the counties, or either of them, through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-six, or if the said corporation shall fail to complete said railroad or any part thereof on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, in either of the abovementioned cases this act shall be null and void." Amended.

Location and survey, when to be made.

SECT. 3. This act shall take effect when approved. *Approved February 17, 1871.*

LAWS OF 1871, CHAP. 662.

An act to authorize the city of Belfast to purchase the first mortgage bonds of the Belfast and Moosehead Lake Railroad Company, and for other purposes.

Be it enacted, &c. SECT. 1. The city of Belfast, by vote of its city council, is hereby authorized to purchase a part or the whole of the first mortgage bonds of the Belfast and Moosehead Lake Railroad Company, not exceeding the amount of one hundred and fifty thousand dollars, and said city of Belfast, by vote of its city council, as aforesaid, may raise the money for purchasing said bonds by issuing its bonds, with interest payable semi-annually, at a rate not exceeding seven and three-tenths per cent. per annum, and for a period not exceeding thirty years. City of Belfast authorized to purchase first mortgage bonds of B. & M. Railroad Co.

May raise money for purchasing said bonds by issuing its bonds.
Rate of interest.

SECT. 2. The first mortgage bonds of the Belfast and Moosehead Lake Railroad Company, issued or to be issued, not exceeding one hundred and fifty thousand dollars, and all Bonds payable within 30 years.

Amount limited.

second mortgage bonds issued with the stock of said railroad company, shall be subject to all the provisions, exemptions, immunities provided for the stock of said company in the section of the three hundred and ninety-fifth chapter of private and special laws of one thousand eight hundred sixty-seven, from the date of the approval of this act.

SECT. 3. This act shall take effect when approved.
proved February 20, 1871.

LEASE

Of the Belfast and Moosehead Lake Railroad to the Maine Central Railroad for fifty years from the tenth day of May, 1871.

MEMORANDUM OF AN AGREEMENT between the Belfast and Moosehead Railroad Company of the first part, and the Maine Central Railroad Company of the second part, witnesseth :

ART. 1. That the party of the first part hereby leases to the party of the second part, its railroad as now constructed from the city of Belfast, in the county of Waldo, to its point of intersection with the Maine Central Railroad near Burnham Station in the county of Kennebec, including all its property and rights of property, real, personal and mixed on the line of its road appurtenant thereto (not including the rolling stock or any iron which has not been laid down on its track), with full power and authority under its charter, and in the name of said corporation, to extend said road, at its cost, and for its own benefit, as far as said charter will authorize said company to extend the same ; and to operate said extension when thus made under said charter, to establish and collect tolls on said road leased or any extension thereof, for its own benefit, and generally to do and perform all acts and things necessary to protect said property from injury, and to secure the convenient and efficient working of the same, said lease of the road thus constructed to continue for and during the term of fifty years from the tenth day of May, A. D. eighteen hundred and seventy-one in the terms and conditions following :

ART. 2. Said party of the first part further agrees, that it will do and perform all acts required by law to keep up and maintain the legal organization of said company, and will pass all votes, and do all other acts in its corporate capacity necessary to enable the party of the second part to extend said road under the charter of said company, in case it shall elect so to do, and to improve and occupy said extension for its own benefit, and will also hold

the second part harmless from all claims and demands, of every nature, now existing against said corporation, or which may hereafter be created by way of renewal or otherwise against the same by the first part, and will secure and protect the party of the second part in the peaceable and unobstructed occupation and use of said road and hereof, during the time said party shall be entitled to hold and enjoy the same, by virtue of this contract, against all claims or demands made against the party of the first part, or from any acts or omissions to act on the part of said party.

In consideration of the above stipulations and agreements made by and between the first part, the party of the second part hereby agrees to take, run and operate said road, leased as aforesaid, during the time above specified, at its own expense and risk, and for its own benefit, and to save the first part harmless from all expense, loss and damage arising from the use of said road, and to pay all taxes that may be assessed upon the corporation of the first part, and upon the real and personal estate taken under the lease, but not including any tax assessed upon the stock or bonds of said corporation, and to keep said road with its appurtenances in good repair, and to deliver the same at the termination of this lease in as good condition in all respects as when taken; but no act shall be done by the party of the second part without the authority to extend said road, as herein given, or by issuing any bonds, by which this lease shall be terminated or its provisions modified, without the concurrence of the party of the first part as representing the stock now in existence; and if any stock shall be issued with their concurrence, such stock shall in no way affect the stock now in existence, or the interests of its holders so far as any dividends arising from the same, which are agreed to be paid is concerned.

The party of the second part also agrees to run such trains upon the road hereby leased as shall afford reasonable accommodations for the passenger and freight upon said road, and that the rates of fare and freight to and from Belfast, shall be the same for like distances on like trains, and the same mileage as shall be levied upon freight and passengers to and from any place on the Maine Central road for the same kind of service.

And it is further agreed by the party of the second part, that it shall pay to the party of the first part, as a rental for said road, the sum of twenty thousand dollars per year for and during the term of fifty years, said rent to be paid in semi-annual payments of eighteen thousand dollars on the tenth day of November and May in each year, in the lawful currency of the United States of America.

It is further agreed that the party of the first part may, if it so elect, at the end of five years from the date hereof and not afterwards, receive a dividend of the gross earnings of said road, leased in lieu of the rental of twenty thousand dollars per year as aforesaid, during the remainder of said term, on the condition that in case it shall so elect it shall pay to the party of the second part, the cost of all permanent improvements made upon the road during the first five years, but not including ordinary repairs necessary for the keeping of the road; and the party of the second part shall keep an accurate account of all the earnings of said road during the five years aforesaid,

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which shall be open for the inspection of the party of the first part or any committee authorized to act in its behalf.

ART. 7. It is also agreed that in case the rent herein secured to the party of the first part, shall not be paid at the times when the same shall fall due and become payable, and shall remain due and unpaid for the space of sixty days, the party of the first part shall have the right to terminate this lease, and resume possession of the road, provided said party shall have given the party of the second part thirty days' notice in writing of its intention thus to terminate the lease and resume possession of the road, and the party of the second part shall be liable to the party of the first part for all damages resulting from its failure to fulfil the requirements of this lease, to be performed on its part.

ART. 8. It is further agreed that in case the party of the first part shall fail to pay any claim or demand which is secured upon the road by mortgage or otherwise at the maturity thereof, and the right of the party of the second part to hold possession of the road shall thereby be endangered, said party of the second part, on giving the party of the first part thirty days' notice in writing, of its intention so to do, shall be authorized to pay such claim or demand, and shall hold the same uncanceled against the party of the first part, and shall also hold the security for the same uncanceled, and be deemed the equitable assignee of such security, and demand or claim, and said party of the second part shall also have the right to apply the rent to become due under this lease, as the same shall accrue to the repayment of any sum paid as aforesaid; and in case the party of the second part shall be deprived of the use and occupation of said road, or any part thereof, in consequence of by reason of the party of the first part failing to keep and perform all and singular the stipulations and agreements by said party to be kept and performed, then, and in that case said party shall be liable, and shall pay to the party of the second part, all loss or damage accruing to it in consequence of such failure.

ART. 9. It is mutually agreed that should any disagreement arise between the parties under this lease, as to its construction, or their rights or duties under it, the same shall be submitted to the determination of three disinterested arbitrators, to be appointed by the Chief Justice of the Supreme Judicial Court of this State, on the application of either party, and the award of such arbitrators or a majority of them shall be final and conclusive upon the parties hereto.

ART. 10. And it is finally agreed and mutually understood that this lease is made subject to the ratification of the stockholders of the respective companies to give the same legal force and effect.

In witness whereof, the undersigned, directors of said Belfast and Moosehead Lake Railroad Company, and of said Maine Central Railroad Company, being duly authorized, have hereunto set their names and affixed the seal of their respective companies this day, April 27, 1871.

The foregoing lease was duly executed by both corporations.

CONTRACT

Between Maine Central Railroad Company and Portland and Kennebec Railroad Company, dated May 12, 1870.

Whereas, by an act of the legislature of the State of Maine, approved July 1, 1856, entitled “an act to authorize the consolidation of certain rail-roads and corporations,” the Androscoggin and Kennebec Railroad Company, the Piscataquis and Kennebec Railroad Company, the Kennebec and Portland Railroad Company, and the Somerset and Kennebec Railroad Company, and any company formed under said act, or either of said companies, are authorized to let, or lease their roads, franchises and property for hire, or to contract for the running and the managing the same with any individual, or other rail-road corporation, for a term of years, as by reference to said act will more fully appear; and *whereas*, since the act aforesaid was passed, the Portland and Kennebec Railroad Company now possessing and owning the same rail-road, franchise and property then owned by the said Kennebec and Portland Railroad Company, has been formed and created under the laws of this State, in consequence of the foreclosure of a mortgage of the said Kennebec and Portland Railroad Company, and has thereby acquired and become possessed of all the franchises, charters and legal rights and immunities which pertained to the original company at the time of the foreclosure;” and *whereas*, the Maine Central Railroad Company is a corporation “formed under” the act of the legislature of the State of Maine referred to: *now therefore*, be it known, that under, and by virtue of the authority conferred upon said companies by the act aforesaid, and in consideration of the mutual covenants and agreements hereinafter made, the Maine Central Railroad Company of the first part, and the Portland and Kennebec Railroad Company of the second part, for the purpose of greater convenience to the public in the despatch of business upon said railroads, and for greater harmony, efficiency and economy in operating the same, have entered into the following agreement, to wit:

ART. 1. The Portland and Kennebec Railroad Company agree to let and lease its railroad, depots, depot grounds and lands appertaining thereto and connected therewith, its franchise, locomotives, engines, cars and all their property and rights of property of every description and kind, and do hereby let and lease the same unto the Maine Central Railroad Company, its successors and assigns, for the term of nine hundred and ninety-nine years from the day of 1870, to have and to hold the same for and during the said term, to have and to exercise all the rights and franchises conferred upon the said Portland and Kennebec Railroad Company by its charter and by the laws of the State, not hereinafter reserved. And the said Portland and Kennebec Railroad Company agree to assign and transfer, and do hereby assign and transfer to the said Maine Central Railroad Company,

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the lease made and executed the first day of January, 1864, which they have of the Somerset and Kennebec Railroad, its franchise and property of every description, and which said lease was on the day of extended by the said Somerset and Kennebec Railroad Company, for the term of nine hundred and ninety-nine years from the day of

1870; to be controlled and managed by the said Maine Central Railroad Company in as full and ample a manner as the said Portland and Kennebec Railroad Company could do under and by virtue of said lease, during the whole term thereof, and subject to all and singular the terms and conditions in said lease contained and provided.

ART. 2. Prior to the time this lease shall take effect, and be in force, and as a part of the consideration thereof, the party of the first part shall issue to the party of the second part for distribution among the stockholders, *pro rata* according to the number of shares of capital stock of the party of the second part to which each of said stockholders may be entitled, seventeen thousand one hundred and sixty-six shares in the capital stock of the party of the first part, and until said stock shall have been actually distributed among said stockholders, said party of the second part shall be entitled to vote thereon, or any part thereof not thus distributed, at all meetings of the stockholders of the party of the first part, by such persons as it may appoint for the purpose.

ART. 3. The party of the second part, covenant and agree, on behalf of said corporation, that it will, and that the Somerset and Kennebec Railroad Company shall on behalf of that corporation, do and perform all acts necessary to maintain and preserve the legal organization of their respective corporations as contemplated in their charters, and from time to time pass all votes necessary to enable the lessees to carry out the purposes of this lease; and the said party of the second part further covenants and agrees that it will on its part, and that the Somerset and Kennebec Railroad Company shall on its part, from time to time as required, make and execute such mortgages and bonds, to be secured thereby as may be necessary, to extend or renew any outstanding obligation of either the Portland and Kennebec Railroad Company, or the Somerset and Kennebec Railroad Company maturing during the continuance of this lease, provided that said Maine Central Railroad Company, in extending or renewing any obligation now outstanding against the Portland and Kennebec Railroad Company or the Somerset and Kennebec Railroad Company, or in creating any new obligation, may issue its own bonds, and secure the same by a mortgage of its interest in the property and rights of property acquired under this lease. And any one or more of the corporations hereinbefore named may join in the mortgage of any part, or the whole of the joint or separate lease-hold estate, or estate in fee, or any other estate in the separate or joint property to secure the payment of any bonds or other form of indebtedness created by the Maine Central Railroad Company for the common benefit of all the corporations embodied in this contract. The necessary expenses of maintaining the organization of said companies not exceeding in all one thousand dollars for each year, shall be paid by the Maine Central Railroad Company, and charged as part of the expenses of operating said railroads.

The Maine Central Railroad Company agrees to operate and maintain the Portland and Kennebec, and Somerset and Kennebec Railroad Companies, let and leased to them as aforesaid, under and according to their respective charters, and to the law of the State appertaining to them and to each of them during said term, and to fulfil to the public duties required of each of said last named companies; to assume all liabilities and fulfil and perform all the obligations resting upon them respectively at and from the time when this lease shall take effect; and to make repairs, improvements, renewals and additions necessary to keep the roads, with their buildings and rolling stock, in a safe and serviceable condition, to transact the business upon them. And the lessees further agree to make no discrimination in the maintenance of said roads under their respective buildings and equipments, or in the manner of running trains upon said roads; but all of such roads shall be operated so as to promote the convenience of the public upon them. They shall receive all sums of money derived from the operation upon said roads, and all derived from the properties of the roads as let and leased to them, as well as from their own road; and keep accurate accounts thereof. They also agree to locate and build a railroad under their charter, as now extended from some point on their line in Danville to a point of junction with said Portland and Kennebec Railroad, and to give the same to trustees to secure the payment of bonds, to be created for the purpose to an amount not exceeding one million of dollars. And by the time the said road shall be completed they agree to change the gauge of their road now in use, to a gauge of four feet eight and one half inches, and their rolling stock to conform to the same. And out of the receipts from earnings of said railroads under their charge, and to be operated by them, they agree, *first*, to pay the expenses of operating, maintaining and repairing said railroads, their equipments, buildings and fences, including all taxes and impositions thereon; *second*, to pay the interest upon all bonds and other obligations of each of said railroad companies, and to pay all other debts and liabilities resting upon them, or either of them; and shall, as a condition on which this lease is made, pay semi-annually, on the first day of January and July of each year, to the Portland and Kennebec Railroad Company, the sum of ten thousand and sixty-eight dollars and seven cents; and *third*, to pay semi-annually, on the first days of January and July in each year, to the said Portland and Kennebec Railroad Company, such further sums, as when added to the sum mentioned in the foregoing clause, shall amount in all to three per cent. on the stock of the Portland and Kennebec Railroad Company, or on any stock into which the "convertible bonds" of said company may be converted under the terms and conditions provided in said bonds, said stock amounting on the first day of January, A. D. 1870, at the par value thereof, to six hundred ninety-seven thousand three hundred dollars (\$697,300), including one hundred and fifteen thousand dollars (\$115,000), agreed to be issued to the stockholders of the Portland and Kennebec Railroad Company, in consideration of the assignment of their stock in said last named company to the party of the second part, and also the interest at three per cent. semi-annually upon the scrip, amounting to three hundred eighty-six thousand eight hundred ninety-two

dollars, issued to the stockholders of the Maine Central Railroad Company, and dated the 12th day of May, 1870, and to divide the residue of the net earnings of said Maine Central Railroad Company, Portland and Kennebec Railroad Company, and Somerset and Kennebec Railroad Company, and of any other railroads operated by them, share and share alike among the stockholders of the Maine Central Railroad Company.

ART. 5. The lessees agree to pay all taxes that may be legally assessed upon said Portland and Kennebec Railroad Company, and said Somerset and Kennebec Railroad Company, or either of them hereby leased as aforesaid, and to hold the stockholders of each of said companies harmless therefor, not, however, intending hereby to pay any taxes that may be assessed upon the stock or bonds issued by said roads, or either of them; and the lessees also agree to keep insured, in some safe and responsible insurance company, or companies, the property of the Portland and Kennebec Railroad Company, and Somerset and Kennebec Railroad Company, to the amount of at least one hundred and fifty thousand dollars (\$150,000), said insurance to be applied, in case of loss, to the rebuilding or restoration of the property insured as aforesaid.

ART. 6. Said lessees further agree and covenant that they will, from and after the execution of this lease, assume the defence of all suits, actions, complaints and prosecutions which may then be pending, or which may thereafter be brought, against said Portland and Kennebec Railroad Company, or Somerset and Kennebec Railroad Company, or any of their officers, servants or agents, for any thing by them done, under authority and in behalf of said companies, or either of them, and will indemnify and save harmless the said companies and the stockholders thereof against all costs and expenses incurred in such defence, and against any and all judgments which may be recovered in such suits actions and prosecutions, and will indemnify, save and hold harmless said railroad companies, and each of them, and the stockholders thereof, against all claims, actions, damage and liability, on account of any thing which may be done or omitted by the said lessees, or any of their officers, agents or servants, while exercising, or assuming to exercise, any of their powers and rights under this lease, and on account of any and all acts, omissions or neglect of any kind, in any manner done or suffered by the lessees or any of their officers, servants or agents.

ART. 7. The remedy of the lessees under this lease shall not be by any entry for breach of condition, nor shall they, by any such entry, terminate the lease and re-vest the leased estate and property in the lessors, but this shall not take away or diminish any other right or remedy at law or in equity to enforce the performance of its covenants and conditions, and to compel the application of the assets to the payment of the liabilities in the order provided for by this contract.

ART. 8. There shall be a careful examination of the present condition of the roads hereby leased and of the buildings, rolling stock and property of every kind connected therewith by _____, and an inventory thereof made, one copy of which shall be appended to this lease as a part thereof, with a view to an equitable adjustment of the interest of

the parties in case for any cause said lease should be cancelled or become void.

Dated at Portland, this twelfth day of May, A. D. 1870.

RICHARD D. RICE,
President Portland and Kennebec Railroad Company.

[L. s.]	J. B. BROWN, N. M. WHITMORE, D. ALDEN, H. N. JOSE, G. M. PATTEN, G. F. SHEPLEY,	}	<i>Directors Portland and Kennebec Railroad Company.</i>
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A. D. LOCKWOOD,
President Maine Central Railroad Company.

[L. s.]	R. B. DUNN, A. P. MORRILL, GEO. L. WARD, F. W. HILL, JOSIAH H. DRUMMOND,	}	<i>Directors Maine Central Rail- road Company.</i>
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CONTRACT

Between the Maine Central Railroad Company and Portland and Kennebec Railroad Company, dated May 12, 1870.

The Maine Central Railroad Company of the first part, and the Portland and Kennebec Railroad Company of the second part, having entered into an agreement of even date with these presents, WHEREBY the party of the second part has *let and leased* its railroad, franchise and other property to the party of the first part, and having also agreed to transfer and assign to the same party their lease of the Somerset and Kennebec Railroad, have also agreed to the following articles, and do hereby agree to the same as conditions to be performed by the respective parties before the lease referred to shall take effect, to wit:

ART. 1. In order to equalize the amounts between the parties hereto, on which interest shall be paid after paying the running expenses of said roads and the interest on the bonds of said Companies, and the other sums as mentioned in article four (4) of said lease, and before any dividend shall be made on the stock of the Maine Central Railroad Company, and prior to the taking effect of said lease, the lessees shall make a dividend to their stockholders to the amount in all of dollars in scrip, upon which the holders shall be entitled to receive out of the net earnings of said roads three per cent. semi-annually during the continuance of said lease, as is provided in article four (4) of said lease.

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ART. 2. The stock to be issued to the Portland and Kennebec Railroad Company under article second (2) of said lease, and this paper and the lease of the Portland and Kennebec Railroad of even date with these presents, shall be deposited with Hon. Joseph H. Williams, of Augusta, to be held by him under the following terms, to wit: In case the suit in equity now pending between the Kennebec and Portland Railroad Company and the Portland and Kennebec Railroad Company shall be finally decided against the defendants, and the lessees shall in consequence thereof be divested of the possession of the Railroad between Augusta, Bath and Portland, or any portion thereof, then the said Williams shall return the stock before referred to, to the Maine Central Railroad Company, and said lease shall be cancelled and void; and the property so leased shall be restored to the parties entitled thereto, and the income of said roads, while in the possession of the lessees, shall be accounted for as equity shall require.

ART. 3. After the execution of said lease by the respective parties thereto, and the assignment and transfer of said lease of the Somerset and Kennebec Railroad, and after the ratification and approval of said lease by the stockholders of said Companies, four, at least, of the directors of the Maine Central Railroad Company (the member representing the City of Bangor not being one of said four) shall resign their offices as directors, and at the same or some other meeting of the stockholders, duly called for the purpose of filling vacancies which may exist in the board of directors, four of the persons who are at the time directors in the Portland and Kennebec Railroad Company shall be chosen among the directors to fill the vacancies in said board (if so many are found eligible to hold the office) and the residue of said vacancies shall be filled from among the persons who are now directors of the Maine Central Railroad Company if they are then eligible to the office, and the board so elected shall choose a president from their number and shall hold their offices during the residue of the year for which the directors are annually chosen.

ART. 4. It is understood by the parties hereto that at the next meeting of the legislature of Maine, application shall be made for an increase of directors of the Maine Central Railroad Company to a number not exceeding thirteen in all, and if such authority shall be obtained, one-half of the increased number of directors shall at the then next election at least be selected from among the present stockholders of said Company.

Dated at Portland this 12th day of May, 1870.

RICHARD D. RICE,
President Portland and Kennebec Railroad Company.

J. B. BROWN,
N. M. WHITMORE,
D. ALDEN,
H. N. JOSE,
G. M. PATTEN,
G. F. SHEPLEY, } *Directors
Portland and Kennebec
Railroad Company.*

A. D. LOCKWOOD,
President Maine Central Railroad Company.

R. B. DUNN,
A. P. MORRILL,
GEO. L. WARD,
F. W. HILL,
JOSIAH H. DRUMMOND, } *Directors
Maine Central Rail-
road Company.*

LAWS OF 1872, CHAP. 63.

An act authorizing the Maine Central Railroad Company to make a loan.

Be it enacted, &c. SECT. 1. The Maine Central Railroad Company is hereby authorized to issue its bonds for the purpose of providing means for putting said road and its equipments, and the roads now leased to and operated by it, in efficient condition, and for the payment of the bonded debts and liabilities of said company and of the corporations hereinafter named that unite in the mortgage. And said Maine Central Railroad Company and such of the following corporations whose roads are now leased to and operated by it as shall decide so to do, namely: the Portland and Kennebec Railroad Company, the Somerset and Kennebec Railroad Company, the Leeds and Farmington Railroad Company, and the Androscoggin Railroad Company are hereby authorized to unite in a mortgage of their railroads, franchises and other property to secure the payment of said bonds.

Authorized to
issue bonds.

Purpose of.

Bonds, pay-
ment of, how
secured.

SECT. 2. This act shall take effect when approved. *Approved February 7, 1872.*

MORTGAGE TO TRUSTEES,

Dated April 1, 1872.

Know all men by these presents, That the Maine Central Railroad Company, the Portland and Kennebec Railroad Company, the Somerset and Kennebec Railroad Company, the Androscoggin Railroad Company, and the Leeds and Farmington Railroad Company, corporations duly created and established by the laws of the State of Maine, by virtue of the authority conferred on said corporations by act of the legislature of said State, approved February 7th, 1872, in consideration of one dollar, to them paid by Artemas Libbey, of Augusta, in the county of Kennebec, Josiah H. Drummond, of Portland, in the county of Cumberland, and Galen C. Moses, of Bath, in the county of Sagadahoc, trustees, duly appointed by said corporations, the receipt of which sum is hereby acknowledged, do severally give, grant, bargain, sell and convey unto said trustees, as aforesaid, their several railroads, described as follows: The railroad of the said Maine Central Railroad Company, extending from Bangor, in the

county of Penobscot, through the counties of Penobscot, Somerset, Kennebec, Androscoggin and Cumberland, to Cumberland Junction, in the county of Cumberland, and the rights and titles which said Maine Central Railroad Company has in and to the other railroads hereinafter described, by lease or contract; the railroad of the Portland and Kennebec Railroad Company, extending from Portland, in the county of Cumberland, through the counties of Cumberland, Sagadahoc and Kennebec to Augusta, in the county of Kennebec, and the branch road, extending from Brunswick, in the county of Cumberland, to Bath, in the county of Sagadahoc; the railroad of the Somerset and Kennebec Railroad Company, extending from said Augusta to Skowhegan, in the county of Somerset; the railroad of the Androscoggin Railroad Company, extending from Brunswick aforesaid, to Lewiston, in the county of Androscoggin, and from Crowley's Junction to Leeds' Crossing; the railroad of the Leeds and Farmington Railroad Company, extending from Leeds' Crossing, in the county of Androscoggin, to Farmington, in the county of Franklin, including the several road beds, rights of way, superstructures, all the lands of the said corporations, all their several buildings and machinery, with all the rolling stock, furniture and personal property of said several corporations used in operating their several roads, together with the franchise of each of said railroad companies.

To have and to hold the same to the said Libbey, Drummond and Moss, their successors in the trust and their assigns in trust, in accordance with the provisions of chapter fifty-one (51) of the revised statutes of this State, for the use and benefit of the holders of the consolidated bonds of the same date as this deed, issued by the Maine Central Railroad Company to the amount of nine millions of dollars, in four classes, viz: Class A. for \$1,000,000; class B. for \$3,975,000; class C. for \$2,850,000; class D. for \$1,175,000; payable on the first day of April, A. D., 1912, to be used for the purpose of putting said railroads and their equipments in efficient condition, and for the payment of the bonded debts and liabilities of said companies.

Provided, nevertheless, That if said Maine Central Railroad Company or assigns shall well and truly pay to the holders thereof the said bonds and interest warrants attached thereto at maturity, according to the tenor thereof, then this deed shall be void; otherwise it shall remain in full force. And it is hereby agreed, and it is a part of the conditions on which this joint mortgage is made and executed, that in case said Maine Central Railroad Company shall neglect to pay any of the bonds or interest warrants aforesaid for more than ninety days after maturity, and proceedings shall be commenced by said trustees or their successors for the foreclosure of this mortgage for such breach of the conditions hereof, the other corporations, or either of them named herein, may pay such overdue bonds and interest warrants, and shall be substituted for, and hold the same with all the rights and privileges of the holders thereof as if the same had not been thus paid, and the foreclosure of the mortgage by virtue of the proceedings thus commenced shall not be interrupted or affected thereby, but the same shall inure to the benefit of the corporations or corporation thus paying, as well as for the benefit of other holders of said bonds or interest warrants.

estimony whereof the said several corporations, by their presidents, authorized therefor by votes of said several corporations, have here-subscribed their corporate names and affixed their corporate seals first day of April, A. D. 1872.

MAINE CENTRAL RAILROAD COMPANY.

IN BOARD OF DIRECTORS, October 2, 1873.

Whereas, The Maine Central Railroad Company by its vote of March, 19, authorized the issue of its consolidated bonds for \$9,000,000, pursuant to an Act of February 7, 1872, which bonds are secured by a mortgage of land and appurtenances and rolling stock, and that of the Portland and Kennebec, Somerset and Kennebec, Leeds and Farmington and Androscoggin Railroad Companies, made to Artemas Libbey, Josiah H. Drummond and C. Moses, trustees, and by the vote of said company were appropriated, and to take up existing mortgage bonds now outstanding against said bonds, as by said vote appears:

And, the more effectually to insure the execution of said trust by said trustees, and to protect all parties that shall be interested in said bonds, it is hereby provided (said trustees concurring therein), and resolved, That it shall be the duty of said trustees and their successors in trust, hereafter to withhold their certificate upon said bonds, so far and to the extent, that the aggregate amount of neither class of the consolidated bonds of classes B, C, and D, that shall have been certified by them, shall at any time be more than \$75,000 in excess of the aggregate amount of the principal and claims that shall have been actually paid, taken up and cancelled, the payment of which said class is appropriated and designed to be applied as follows, viz.:

Class B, \$3,975,000, to discharge liabilities of the Maine Central Railroad Company, as follows:

\$1,100,000 7 per cent. Bonds,	\$ 746,300
Bangor City Loan,	514,000
Maine Central, \$400,000 Loan,	2,800
A. & K. \$1,100,000 Loan,	1,100,000
M. C. Interest Scrip,	386,892
Bills payable,	711,605
Extension Bonds,	491,500

Bonds of class B designated for bills payable, may be certified by the trustees upon order of the directors and the certificate of the treasurer that all needed to provide means to meet the liabilities of the company, notwithstanding, however, the amount appropriated for said bills payable as above.

Class C, \$2,850,000, to discharge the liabilities of the Portland and Kennebec Railroad Company, and provide for the proposed exchange and cancellation of its stock for bonds as follows:

MAINE CENTRAL RAILROAD.

Stock,	\$ 741,400
Yarmouth Bonds outstanding,	47,000
K. & P. 1st Mortgage,	217,300
P. & K. funded interest,	20,000
Portland Loan,	90,000
Consolidation P. & K. Bonds,	1,155,000
City and Town Loan,	8,100
Somerset & Kennebec, 1st mortgage,	300,000
“ “ 2d “	260,000

CLASS D, \$1,175,000, to discharge the liabilities of the Androscoggin, and Leeds and Farmington Railroad Companies, as follows:

Bath City Bonds,	\$425,000
Leeds and Farmington Bonds,	633,000
Scrip to Androscoggin R. R.,	110,000

Voted, That said trustees shall annually report the amount of bonds of each of said classes certified by them up to that time, and the amount of the old bonds and claims evidenced to them to have been taken up thereby.

Voted, That the clerk present an attested copy of these votes to said trustees and request the assent of each thereon, in writing, in the trust and duty hereby imposed, and make record thereof.

A true copy of record,
Attest:

JOSIAH H. DRUMMOND,
Clerk of Maine Central Railroad Company.

The undersigned, the above-mentioned trustees, assent to and concur in the foregoing modification of their trust. Dated this second day of October A. D., 1873.

ARTEMAS LIBBEY,
JOSIAH H. DRUMMOND, } Trustees
GALEN C. MOSES,

LAWS OF 1873, CHAP. 383.

An act for the consolidation of certain railroads.

Consolidation
of certain rail-
roads.

Be it enacted, &c. SECT. 1. The Portland and Kennebec, the Somerset and Kennebec, the Androscoggin, and the Leeds and Farmington Railroad Companies, whose roads are now leased to and operated by the Maine Central Railroad Company are here by authorized to consolidate said companies, or such of them as elect so to do, with the Maine Central Railroad Company, into one corporation, upon the principles, in the mar-

ner, and upon the terms and conditions, so far as the same may be applicable, of the act of April one, eighteen hundred and fifty-six, entitled "an act to authorize the consolidation of certain railroad corporations," under which the Penobscot and Kennebec, and the Androscoggin and Kennebec have become consolidated.

SECT. 2. No suit, action, or other proceeding now pending before any court or tribunal, in which any railroad company that may be so consolidated is a party, shall be deemed to have abated or discontinued, by reason of any such agreement of consolidation; but the same may be prosecuted to final judgment in the same manner as if the said corporation had not entered into such agreement of consolidation; *provided*, that the existing rights of stockholders to any of their lines shall not be impaired, and that this act shall not apply to any pending suit.

Actions pend-
ing, not
affected.

Proviso.

SECT. 3. This act shall take effect when approved. *Approved February 26, 1873.*

LAWS OF 1874, CHAP. 559.

An act authorizing the Maine Central Railroad Company to change its location and construct a new bridge across the Kennebec river.

Be it enacted, &c. SECT. 1. Authority is hereby granted to the Maine Central Railroad Company to change the line of its location where it crosses the Kennebec river at Kendall's Mills, and to locate, construct and maintain one or more tracks of its road from a point in its present line on the east side of and near said river, southerly and westerly so as to cross said river above College narrows in Waterville, and extending thence westerly to its present road; and to construct and maintain a bridge across said river in said new line of road where one is now being constructed; and to discontinue such parts of its old line as shall be superseded and rendered unnecessary by the new line hereby authorized; *provided*, that said company shall pay or cause to be paid to the Kennebec log driving company the cost of keeping the piers and abutments of the bridge herein authorized to be constructed,

Location
changed.

Authorized to
construct and
maintain
bridge.

clear of logs; that it shall be liable for all damage by flowing caused by said bridge.

SECT. 2. This act shall take effect when approved. *Approved February 25, 1874.*

AGREEMENT OF CONSOLIDATION,

Dated August 25th, 1873.

WHEREAS, by an act of the legislature of the State of Maine, approved the twenty-sixth day of February, A. D. 1873, entitled "an act for the consolidation of certain railroads," the Portland and Kennebec, the Somerset and Kennebec, the Androscoggin, and the Leeds and Farmington Railroad Companies are authorized to consolidate said companies, or such of them as elect so to do, with the Maine Central Railroad into one corporation, upon the principles, in the manner and upon the terms and conditions, as far as the same may be applicable, of the act of April 1, 1854, entitled "an act to authorize the consolidation of certain railroad corporations."

Now therefore be it known, that the directors of said Portland and Kennebec Railroad Company, of said Somerset and Kennebec Railroad Company, and of said Leeds and Farmington Railroad Company in behalf of said companies respectively, by virtue of the authority so granted them, do hereby enter into an agreement with the directors of said Maine Central Railroad Company for the consolidation of their respective companies with said Maine Central Railroad Company as follows:

ART. 1. Said Portland and Kennebec Railroad Company, said Somerset and Kennebec Railroad Company and said Leeds and Farmington Railroad Company, respectively agree to be consolidated with and merged in said Maine Central Railroad Company and become a part thereof; and said Maine Central Railroad Company agrees thereto.

ART. 2. The Maine Central Railroad Company having already purchased and being now the owner of a lease of the Portland and Kennebec Railroad, its franchise and appurtenances for nine hundred and ninety-nine years, dated May 12, 1870, to which reference is hereby made, and having issued its stock as stipulated in said lease to said Portland and Kennebec Railroad Company, it is agreed in order to carry out the stipulations of the sixth article of said lease, that the stock of the Portland and Kennebec Railroad Company may be exchanged for the consolidated bonds of the Maine Central Railroad Company at the rate of one hundred dollars in stock for eighty-eight dollars in said bonds, with an equitable adjustment of interest.

Upon said exchange of stock for bonds, said stock in said Portland and Kennebec Railroad Company shall be considered cancelled; and the stock of the Maine Central Railroad Company heretofore issued to said Portland

The Kennebec Railroad Company under the stipulations of said lease, shall stand for and represent in said Maine Central Railroad Company, the stock of said Portland and Kennebec Railroad Company, merged and deemed cancelled as aforesaid.

ART. 3. The Maine Central Railroad Company having already purchased and being now the owner by assignment from the Portland and Kennebec Railroad Company, of a lease of the Somerset and Kennebec Railroad, its franchise and appurtenances, executed January 1, 1864, and on the first day of January, 1870, extended for the term of nine hundred and ninety-nine years, to which lease and assignment reference is hereby made, it is agreed that the stock of the Portland and Kennebec Railroad Company, issued in said Somerset and Kennebec Railroad Company as part consideration for said lease and the purchase of the stock of said Somerset and Kennebec Railroad Company, may be exchanged for the consolidated bonds of said Maine Central Railroad Company, at the rate of one hundred dollars of stock for eighty-eight dollars in bonds, with an equitable adjustment of interest, and the stock of the Maine Central Railroad Company apporportioned by the Portland and Kennebec Railroad Company (parcel of the Maine Central Railroad Company stock named in the preceding article) to said Somerset and Kennebec Railroad Company, as the balance of the consideration for said lease of said last mentioned railroad company and the purchase of the stock thereof, shall stand for and represent in the stock of the Maine Central Railroad Company, the stock of the Somerset and Kennebec Railroad Company, which thereupon shall be deemed to be cancelled.

ART. 4. The Maine Central Railroad Company, having already purchased and being now owners of a lease of the Leeds and Farmington Railroad Company for nine hundred and ninety-nine years, and of the stock of said company, which is now held in trust for said Maine Central Railroad Company, it is agreed that said Leeds and Farmington Railroad Company shall be merged in said Maine Central Railroad Company, and that its stock now held in trust for said Maine Central Railroad Company shall be cancelled.

ART. 5. This contract shall take effect when the same shall have been submitted to and ratified by the corporations aforesaid, parties hereto, at meetings called, held and conducted in the manner provided in section three of the act of April 1, 1856, aforesaid, and thereupon the provisions of sections five, six, seven and eight of said act shall apply to the Maine Central Railroad Company in the same manner and to the same extent as they apply to a new consolidated corporation formed under the provisions of said act.

Neither of the corporations proposing to be consolidated with and merged in the Maine Central Railroad Company shall elect not to execute and adopt this contract it shall nevertheless take effect as to such of said companies as shall execute and adopt it.

In witness whereof the corporate seals of the respective companies, parties hereto, have been hereunto affixed, and members of the board of directors of each of said companies, constituting in each case a quorum of their respective boards, for and in behalf of their said respective companies, have hereunto set their hands, this twenty-fifth day of August, in the year of our Lord eighteen hundred and seventy-three.

CONTRACT

Between Maine Central Railroad Company and European and North American Railroad Company, dated February 9, 1869.

MEMORANDUM OF AN AGREEMENT this day made between the Maine Central Railroad Company of the first part, and the European and North American Railroad Company of the second part, witnesseth.

1st. The party of the first part hereby grants permission to the party of the second part to lay down, maintain, repair, rebuild and perpetually use track across their depot grounds in Bangor, to be connected on the northerly side of Emerson street, in Bangor, with the railroad of the party of the second part, and extending southerly of the depot grounds of the party of the first part, to lands owned by the party of the second part. Said track to commence on the north side of the depot grounds of the party of the first part westerly of their present depot, and not nearer thereto than seventy feet. Thence extending southwesterly across the depot grounds of said party of the first part, crossing at grade any track or tracks of said party, and keeping as near to the westerly line of said depot grounds as is practicable, and keeping also westerly of the woodshed and engine house of said party of the first part, to or near to the southerly line of said depot grounds, and thence passing under the track of said last named party to the easterly side of said track, and thence continuing southerly on to lands to be acquired by said party of the second part.

2d. The party of the first part also agree to raise the grade of their track at or near the southerly line of their depot grounds, where the track of the party of the second part is to pass under the same three feet, so as to admit of the passage of the trains of the party of the second part, whenever the party of the second part shall desire to build their tracks across said depot grounds.

3d. In building said track and maintaining the same, said party of the second part shall as little obstruct the use of said depot grounds as is practicable, and said tracks to be used by said party of the second part as a means of transit only for their engines and cars from their railroad on the north of the depot of said party of the first part, to the lands of the party of the second part, southerly of the land of said party of the first part, and shall not be used to leave cars or engines standing upon. It is understood and agreed that the said track shall not be used by the party of the second part for running passenger trains thereon for transporting passengers.

4th. Said party of the second part agree to keep that part of said track from Emerson street, southerly in front of said depot, safely planked over so as to admit of the safe and easy passage of carriages and vehicles to and from the depot of the party of the first part, and in constructing the same

over the track of the party of the first part, at or near the southerly line of their depot grounds, they shall build substantial and permanent stone abutments under said track, and provide such a structure of wood or iron as shall keep said track or tracks of the party of the first part entirely safe and convenient for the passage of their trains at all times.

That the party of the first part retains the right to cross and re-cross the track above described, and to lay tracks across the same at grade, but not, however, unnecessarily to obstruct the use of the track by the party of the second part.

That in consideration of the privileges granted by the party of the first part in the foregoing articles of agreement, the party of the second part agree to pay to the party of the first part, when the track aforesaid is laid across their depot grounds aforesaid, the sum of one thousand dollars, and to furnish the labor and gravel in High Head, free of cost necessary to raise to the proper height the tracks of the party of the first part in and about their depot, when the grade at the place of crossing the track is raised.

In witness whereof the parties hereto, to wit: the Maine Central Railroad Company, by F. W. Hill and Edwin Noyes, a committee duly authorized for that purpose, and the European and North American Railway Company, by E. K. Jewett, their president, duly authorized, have hereto subscribed their names the 9th day of February, A. D., 1869.

Maine Central Railroad Company,

By F. W. HILL, } Committee.
EDWIN NOYES, }

European and North American Railroad Company,

By G. K. JEWETT, President.

CONTRACT

Between the Eastern Railroad Company and the Maine Central Railroad Company, dated January 1, 1875.

This agreement, made and concluded this first day of January, A. D., 1875, and between the Maine Central Railroad Company, a corporation established under the laws of the State of Maine, party of the first part, and the Eastern Railroad Company, a corporation established under the laws of the State of Massachusetts, party of the second part, witnesseth:

That the parties, in order so far as possible to promote the public interest and convenience, by providing for the public accommodation at the least expense, and each, in consideration thereof, and of the execution of this indenture by the other, agree with each other as follows:

ARTICLE 1. The parties hereto agree to maintain the connection of their tracks in Portland for the use of their respective trains, and to make and

MAINE CENTRAL RAILROAD.

maintain any further connection which the connecting business provided for in this contract may require.

ART. 2. For the purpose of defining and determining what shall be understood by the term "connecting business," and by the term "*pro rata*," whenever either or both of said terms shall appear in this contract, it is hereby agreed between said parties, that "connecting business" shall mean all business coming from the road of one party on to the road of the other party, whether the same be passengers or freight, and whether the same pass over the whole or any part of the roads of the parties hereto, or any branches of the same, or any roads leased or operated by said parties. By the term "*pro rata*," whenever the same occurs in this contract, it shall be understood to mean such a division of the through tariff for both passengers and merchandise as shall give to each of the parties hereto such a sum of money as shall bear the same proportion to the whole amount of money received for transportation of the goods or passengers in question, as the distance either of said parties transports said passengers or merchandise, on its own road or branches, bears to the whole distance said passengers and merchandise shall be carried on or over the roads of both the parties hereto.

ART. 3. Each party hereto, upon its respective road, and upon any it may control or operate, over which any of the connecting business referred to in this contract is transported, shall furnish suitable depot accommodations for said business, shall furnish and sell all tickets, and check all baggage for passengers going from any point on the road of one party on to the road of the other party, and all such tickets furnished and sold by the party of the first part shall be good over either the Boston and Maine Railroad, or over the Eastern Railroad, to all points reached by both said Boston and Maine and Eastern Railroads; and no other than tickets thus marked and designated shall be sold by the party of the first part to any point of competition, or any point reached by said Boston and Maine or Eastern Railroads. Each party shall receive, load and way-bill all goods and merchandise offered for transportation, and collect all charges thereon, and do all things necessary at their respective depots that may be required for the proper transaction of said business, and said first party shall allow the business in both passengers and freight coming from the road of the first party, to pass over either of the roads leading from Portland to Boston, or other points of competition common to said last named roads; and all such business of both passengers and freight shall be left free to take either line west of Portland without influence from the first party herein named.

ART. 4. The rates of transporting all connecting business referred to in this contract, shall be established and fixed from time to time by the party of the first part; provided, however, that when it is necessary to carry freight at a less rate than is provided for in this contract in order to secure a discount or reduction shall be borne by the parties hereto *pro rata*, and the parties hereto shall fix the rate from time to time for such freight, and the rates of all fare and freights, in which the two parties hereto share *pro rata* under this contract, shall in all cases be fixed by agreement of the two parties.

ART. 5. Through trains for the accommodation of the connecting business

shall be run over the roads of the parties hereto, at convenient hours, there shall be a daily morning train (Sundays excepted), for passengers in Boston to Bangor and *vice versa*, and this train shall be run between Boston and Portland as an express train, not stopping for local travel between said places; and there shall also be run a daily night train (Sundays excepted) for passengers, when the business will warrant the same, and this shall be run between Portland and Boston with dispatch, and with no necessary stops for local travel between said points. The cars for these runs shall be in all respects first class, and shall be furnished by each of the parties *pro rata* according to mileage. Merchandise cars, in good order and suitable for the connecting business herein provided for, shall be run from one road on to the other, and the road owning said cars shall be paid for their use while on the road of the other, at the rate of one and one-half cents per car, for the distance run in the connecting business. Merchandise cars of the party of the first part, sent loaded to Boston and other points upon the road of the party of the second part, shall be loaded with goods and property in return when offered for transportation, and merchandise cars of the party of the second part, sent loaded to Bangor or other points upon the roads of the first party, shall be loaded with goods and property in return when offered for transportation.

The party of the first part shall not allow any of its passenger cars to be run on any other road to Boston, or other competing points on the road of the second party west of Portland, than the road of the party of the second part.

Art. 6. For every connecting passenger transported by the party of the second part, between Boston, Charlestown, Somerville or Chelsea, and Portland, said party of the second part shall receive out of the through price of carriage, the sum of one dollar and fifty cents, which shall be in full for all fares and depot accommodations connected with said carriage, and the party of the first part shall receive the balance of said through price. For every connecting passenger between any station other than Boston, Charlestown, Somerville or Chelsea, and Portland, the through price of carriage shall be divided *pro rata* between the parties hereto. For every ton of connecting goods and property transported between Boston, Charlestown, Somerville or Chelsea, and Portland, the party of the second part, out of the through price, shall receive two dollars, which shall be in full for all services connected with such carriage. And for every ton of connecting goods or property carried between any other stations than Boston, Charlestown, Somerville or Chelsea, and Portland, the party of the second part shall receive a *pro rata* share of the through price, and the balance shall belong to the party of the first part.

Art. 7. The parties hereto bind themselves, each to the other, promptly and without unnecessary delay, to cause merchandise cars received from each other to be returned to each other, when coming upon their respective roads for the transportation of the connecting business, and to see that such cars suffer no injuries from careless or improper usage. Should the merchandise cars received from one of the parties hereto be detained on the road of the other party for more than five days at one time, the party thus detaining them

shall pay for such detention, at the rate of one dollar and fifty cents a day for every day in excess of five days; but neither party shall be held responsible for the cars of the other which may be consigned to stations on roads which are not named in this contract. The cars of each party hereto, to be returned in like order as received, ordinary wear and tear excepted.

ART. 8. All injuries to persons, or loss of, or damages to baggage or goods or property embraced in the joint business, shall be paid for by the party on whose road it may occur, and when the loss or damage cannot be traced to either of the parties hereto, then it shall be paid for by each, in the proportion it shares in the through price of carriage.

ART. 9. Each of the parties hereto shall be accountable to the other for the prompt collection of all charges and dues connected with the transaction of the connecting business that shall be payable upon its road, and accounts shall be kept by the parties of said connecting business, and returns thereof made by each to the other, and once in each month these accounts shall be settled, and the balance due from one party to the other paid once a month.

ART. 10. The party of the first part hereby agrees to use its influence to protect the rates of the party of the second part, and in no event whatever, will it permit any other person or persons, corporation or corporations, transportation company or companies to transport any persons or property, passengers or merchandise in either direction, on or over any part of the road of said first party at any less rates for said passengers or merchandise than it charges said second party for carrying the passengers and merchandise of said second party.

And the party of the second part hereby agrees to make the rate for passengers and merchandise from all points competing with the party of the first part, whether the same be by land or water, as low as said second party makes or names to any other party, corporation or transportation company, that is to say, said second party shall in no event whatever name a rate from any point on the line of the first party, to any point on the line of the second party to any other or third party, at less than the rate named between the same points by said first party, it being the intent and meaning of the parties hereto, to protect each other in all rates of fare and freight, so far as they legally can. It is further agreed that neither party hereto will carry freight or passengers in connection with any other party between competing points at rates that will enable any other party to carry at a less price than the parties hereto carry freight or passengers between said competing points.

ART. 11. Should any disagreement arise between the parties hereto, in regard to the true intent and meaning of any of the provisions of this contract, or whether or not either of the parties fairly carry out its provisions, or whether or not either of the parties has done any act, or created any competition with the business of the other, as provided against in this contract, the parties hereto agree to refer such matters to three impartial and disinterested arbitrators, one to be selected by each of the parties hereto, and the third by the two so selected, and who, after hearing the parties, shall make their decision, and it shall be final and binding upon the parties hereto.

ART. 12. This contract shall commence and take effect from the date of

its execution by the parties, and continue in force for the term of five years, and thereafter until one party shall give to the other one year's notice of its desire to terminate it; and upon the execution and taking effect of this contract, all prior agreements between the parties hereto shall terminate as to all future business.

In witness whereof the said Maine Central Railroad Company and the said Eastern Railroad Company have caused these presents to be executed in their behalf, by their committees thereunto duly authorized, the day and year first above mentioned.

The Maine Central Railroad Company,

By GEO. L. WARD,
JOHN B. BROWN, } Committee.
J. P. COOK,

The Eastern Railroad Company,

By JNO. WOOLDREDGE, } Committee.
and FRANK JONES,

PORTLAND AND OGDENSBURG RAILROAD COMPANY.

The work on this road commenced September 7, 1869. In August, 1871, it was opened to Conway, N. H., sixty miles, for travel and traffic, and to Upper Bartlett, twelve miles further, in July, 1873.

From Portland to the State line is fifty-one miles.

LAWS OF 1867, CHAP. 252.

An act to incorporate the Portland and Ogdensburg Railroad Company.

Be it enacted, &c. SECT. 1. John B. Brown, T. C. Hersey, Thomas H. Weston, Horatio N. Jose, Samuel E. Spring, Josiah H. Drummond, Henry A. Jones, George W. Woodman, George F. Shepley, Israel Washburn, Jr., A. K. Thurtleff, Charles Q. Clapp, St. John Smith, John Lynch, Thomas H. Perley, Charles H. Haskell, M. G. Palmer, W. F. liken, M. N. Rich, Henry Fox, Richard D. Rice, R. B. ann, Samuel F. Hersey and George K. Jewett, their associates, successors and assigns, are hereby made and constituted

Corporators.

Name, powers,
&c.

Purpose.

Location.

May take lands
for construction
of road.

Limit of width
and provisions
as to compen-
sation.

a body corporate and politic, by the name of the Portland and Ogdensburg Railroad Company, and by this name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof, or interruptions in exercising and performing the same ; and the said corporation is hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the city of Portland, or from some point upon the line of any railroad, in the counties of Cumberland or York, extending northerly or westerly from said city, to such place upon the west line of the State, as may be found expedient for the purpose of forming a connection with a railroad to be constructed from such place, westerly or northwesterly to the east line of the State of Vermont ; and said corporation shall be and hereby are invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth ; and for this purpose said corporation shall have the right to purchase, or to take and hold so much of the land and the real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad and branch ; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken ; *provided, however*, this said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment ; *and provided also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon ; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascer-

tained and determined by the county commissioners for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodland or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of such road, which by their liability to be blown down, or from their natural falling, might obstruct, or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

Land damages, how and by whom determined.

Limit as to application for same.

Removal of trees and compensation therefor.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than twenty thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in nine directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than ten thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the city of Portland, and elsewhere, as they shall appoint, to remain open for five successive days, at least, of which time and place of subscription public notice shall be given in some newspaper, printed in each

Capital.

Government.

May have one director in New Hampshire, see laws 1875, chap. 1.

Stock subscriptions, by whom, where and how opened.

Organization.

of the counties of Cumberland and York ten days before the opening of such subscriptions; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time and place, and purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Powers of guardians in settlement of land damages.

SECT. 3. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

Powers of directors as to construction and management of road.

SECT. 4. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purposes of locating, constructing, and completing said railroad and branch, and for the transportation of persons, goods, and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road and, for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of this corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell

Assessments on shareholders.

are or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent shareholder, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares sell for more than the assessments due, interest and costs of sale; *provided, however*, that no greater amount shall be laid upon any shares in said corporation than the amount in the whole than one hundred dollars.

Sale of shares
for non-pay-
ment of same.

Conditions as
to same.

Art. 5. A toll is hereby granted and established for the benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported thereon upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the width of roads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time make and direct.

Tolls, transpor-
tation, rolling
stock, &c.

Art. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with said railroad of said corporation, at any point on the route of said railroad. And said corporation shall receive and transport persons, goods and property of all descriptions, which may be sent and transported to the railroad of said corporation, on any other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers and goods and other property as may be received from such other railroads so connected with said road as aforesaid, shall not exceed the general rates of toll and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

Connections
and regulation
for same.

Art. 7. If said railroad in the course thereof, shall cross any private way, the said corporation shall so construct said

Crossings.

railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall in the course thereof, cross any canal, railroad, or the highway, the said railroad shall be so constructed as not to obstruct the safe and convenient uses of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad, if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Fences.

SECT. 8. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved.

Mails.

SECT. 9. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and carry the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. And said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or merchandise to pass over said railroad other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided, however,* that said corporation shall be under obligation to transport

Repairs and facilities for transportation.**Liens.****Conditions regarding transportation for other roads.**

over said road the passenger and other cars of any incorporated company, that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll and all other particulars enumerated in said sections.

SECT. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Malicious
trespass and
penalties
therefor.

How and where
enforced and
recoverable.

SECT. 11. Said corporation shall keep, in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation, shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the profits derived from the income of said railroad.

Accounts to be
open to
inspection.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several cities, towns and

Taxes.

Income, how
applied.

plantations in which said land lies, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as other adjacent lands of the same quality in such city, town or plantation, and not otherwise; and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such to the owners thereof in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income of said railroad, accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over to the treasurer of said corporation as a tax in the treasury of the State, for the use of the State; and the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Meetings.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Powers of
legislature.

SECT. 14. The legislature shall at all times have the right to enquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectually to compel a

ompliance with the provisions, liabilities and duties hereinbefore set forth and enjoined.

SECT. 15. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the thirty first day of December, in the year of our Lord one thousand eight hundred and seventy, or if the said corporation shall fail to complete said railroad to the west line of the State on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-three, in either of the above mentioned cases, this act shall be null and void.

Limit of time for location and construction.

Time extended to Dec. 31, 1871; 1871, chap. 611.

Time extended to Dec. 31, 1872; 1872, chap. 167.

Time extended to Dec. 31, 1875; 1873, chap. 336.

SECT. 16. This act shall take effect when approved by the governor. *Approved February 11, 1867.*

LAWS OF 1868, CHAP. 591.

An act additional to an act to incorporate the Portland and Ogdensburg Railroad Company.

Be it enacted, &c. SECT. 1. The Portland and Ogdensburg Railroad Company may consolidate the management of or enter into and execute a contract with the Portland, White Mountains and Ogdensburg Railroad, in the State of New Hampshire; the Essex County Railroad Company, the Vermont Central Railroad Company, the Montpelier and St. Johnsbury Railroad Company, the Vermont and Canada Railroad Company, and the Lamoille Valley Railroad Company, in the State of Vermont; and with any other railroad company or companies now incorporated or which may hereafter be incorporated, within the States of Maine, New Hampshire, Vermont and New York, between Portland in the State of Maine, running northwesterly towards Niagara river in the State of New York, or with any of the roads hereinbefore mentioned, for the maintenance, working and management of the railroad or railroads of any of said companies for such period of time and on such terms and conditions as may be agreed upon by the parties entering into such contract or contracts. And said Portland and Ogdensburg Railroad Com-

May consolidate or contract with certain other railroad companies for management of roads.

Amended 1875, chap. 146.

May purchase or lease such roads.

May issue bonds, guarantee payment of bonds of companies contracted with, and secure payment of same by mortgage.

City of Portland may at legal meetings vote raising by tax or loan amount equal to 2½ per cent. of valuation in aid of P. & O. R. R.

Proviso as to aggregate of aid.

Stock held by city to entitle mayor and aldermen to vote at meetings of corporation.

pany may purchase any or all of said railroads, or take a lease or leases of any one or more of them, on such time and on such terms and conditions as may be agreed upon by the parties to such purchase or purchases, lease or leases. And the said Portland and Ogdensburg Railroad Company, in order to carry into effect any contract, purchase or lease that it may become a party to under the above authority, may issue its bonds or other securities, or guaranty the payment of the bonds or other securities of such railroad company or companies as it may contract with, make purchase of or lease under the authority herein contained, and may secure such contracts, bonds and guaranties by mortgage of its road-beds, rolling stock, franchises, rights and properties, or such parts of them as may be deemed expedient.

SECT. 2. The city of Portland is authorized in lieu of that portion of the loan of its credit voted by said city to the Portland and Ogdensburg Railroad Company on the thirtieth day of April, in the year of our Lord one thousand eight hundred and sixty-seven, at legal meetings of the voters thereof of the several wards, duly notified to be holden for that purpose at the ward rooms, by a two-thirds vote of those present and voting by ballot, to raise by tax or loan such sum of money as shall be deemed expedient, not exceeding two and one-half per cent. of the valuation of said city as made by the assessors thereof for the year in which said meeting shall be held, and may appropriate the same to aid in the construction of the railroad of said Portland and Ogdensburg Railroad Company in such manner as they shall deem proper; *provided*, that whenever the aggregate of aid to railroads furnished by said city since the passage of the act of February twenty-eighth, eighteen hundred and sixty-seven, shall amount to or equal five per cent. of the valuation of the city, the authority to grant aid shall cease, and shall not revive on increase of valuation.

SECT. 3. Whenever the city of Portland shall hold stock in the Portland and Ogdensburg Railroad Company, the mayor and aldermen are authorized to vote thereon at all meetings of said corporation, or may by vote appoint an agent for that purpose.

§ 4. Said Portland and Ogdensburg Railroad Company may contract with any railroad terminating in Portland, or purchase, or use and occupation of so much of its track, depots or station houses, as shall be necessary for the convenience of its business in Portland, or may unite with other roads in the construction of other buildings or improvements for that purpose. *Approved February 28,*

Corporation may sell or lease depot and track privileges in Portland, &c.

LAWS OF 1871, CHAP. 611.

Additional to and amendatory of an act entitled "an act to incorporate the Portland and Ogdensburg Railroad Company."

As enacted, &c. SECT. 1. The Portland and Ogdensburg Railroad Company is hereby invested with power and authority to continue and prolong its railroad, beyond the line of the State of New Hampshire to the eastern border of the State of Vermont, and to purchase, take and hold the right of way over lands, for the purposes of said railroad, without the limits of this State to said line of Vermont, with the same powers and privileges granted by the act to incorporate said company, and acts additional thereto hereinafter enacted, subject to the conditions and regulations that may hereafter be prescribed by the laws of New Hamp-

P. & O. Railroad Co. authorized to continue its railroad beyond the line of this State.

May take lands for the purposes of said railroad, subject to laws of New Hampshire.

§ 2. The directors of said Portland and Ogdensburg Railroad Company shall, if the stockholders vote to accept an amendment of the charter of said company, be chosen for three years. At the first annual meeting, after this privilege is accepted, the stockholders shall by their votes designate persons to hold for one year, for two years and for three years, and thereafter one-third of them shall be elected annually. Vacancies shall be filled at the annual meetings by persons for the unexpired term of the class in which the vacancy occurs.

Directors, tenure of office of. Amended 1872, chap. 167.

Stockholders to regulate terms of office.

Vacancies to be filled at annual meetings.

§ 3. The time for locating said railroad is hereby extended to the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-one.

Time for locating said railroad extended to Dec. 31, 1871.

§ 4. This act shall take effect when approved. *Approved February 15, 1871.*

LAWS OF 1872, CHAP. 166.

An act to authorize the city of Portland to grant further aid in the construction of the Portland and Ogdensburg Railroad.

City of Portland authorized to loan its credit.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to loan its credit to the Portland and Ogdensburg Railroad Company, in aid of the construction of said railroad, subject to the following terms and conditions:

Act when to take effect.

SECT. 2. This act shall not take effect until it be accepted by the directors of said railroad company and by the inhabitants of said city, voting in ward meetings called according to law; and at least two-thirds of the votes cast at such ward meetings, shall be necessary for the passage of the act. The returns of such ward meetings shall be made to the aldermen of the city, and by them counted and declared, and the city clerk shall make a record thereof.

Two-thirds vote necessary to accept act.
Returns of votes, how made and declared.

Scrip may be issued.

SECT. 3. Upon the acceptance of the act as aforesaid, the city treasurer shall make and issue from time to time, for the purposes contemplated in this act, the scrip of said city in convenient and suitable sums payable to the holder thereof for a term of time not less than thirty nor more than forty years, with coupons for interest at six per cent. attached, payable semi-annually or yearly. The whole amount of said scrip shall not exceed twenty-five hundred thousand dollars, and the same shall be delivered by the city treasurer to the directors of said railroad company, subject to the several provisions of this act; the proceeds of the same shall be applied by the directors of the company exclusively to the construction and purchase of necessary equipment of the Portland and Ogdensburg Railroad.

Coupons.

Whole amount of scrip not to exceed \$2,500,000.

Proceeds, how applied.

Bonds of the company to secure payment of scrip and coupons.

SECT. 4. Before the delivery of any portion of the scrip aforesaid, the directors of the railroad company shall execute and deliver to the city treasurer, for the city, the bonds of said company, in a suitable penal sum, conditioned that the company will duly pay the interest and the principal of said scrip, and will hold the city harmless and free from all expense, damage or loss on account of the issue and delivery of the same.

ART. 5. As a further security for the issue and delivery of scrip, the directors of the company shall also deliver to the city treasurer, the mortgage bonds of said company, issued bearing date, on the first day of November, eighteen hundred and seventy-one, and secured by a deed of trust, and mortgage of said railroad, and the franchise and property of the company, of the same date heretofore executed and delivered by said company to trustees, for the benefit of the holders of mortgage bonds aforesaid. The amount of said bonds so delivered to the city treasurer, shall be equal to the amount of bonds issued and delivered under this act, and the same shall be held by the city treasurer for the time being, as collateral security for the obligation and bond given by the company as aforesaid, to hold and save the city harmless on account of the issue and delivery of said scrip. Upon the payment by the company of the interest which shall from time to time accrue upon said scrip, the city treasurer shall cancel and surrender to the company, an amount of the interest warrants attached to said mortgage bonds, equal to, and corresponding as nearly as may be, to the amount of interest so paid on said scrip.

Mortgage of road to city to secure payment of bonds of 1871.

Mortgage bonds to be equal in amount to city scrip.

City treasurer to cancel interest warrants.

ART. 6. At the maturity of the mortgage bonds herein provided to be delivered as collateral security, and after the payment of all the other mortgage bonds issued under said deed of trust and mortgage, if any portion of the scrip hereby authorized to be issued, shall be unredeemed and outstanding, the trustees, for the time being, under said deed of trust and mortgage, shall be authorized to release and assign to the city of Portland all the title and interest which they may then have in the estate, property and franchise of the company by virtue of said deed, and of any other conveyance made in pursuance of the covenants therein contained, which conveyance shall be a discharge of said trustees from all trusts created and mentioned in said deed, and the city shall, by such conveyance, receive and hold the said estate, property and franchise as in and to said deed, for the security and indemnity of the city, on account of the issue and delivery of its scrip as herein authorized, until the final redemption and reimbursement of said scrip and the interest accruing thereon.

Bonds unredeemed at maturity, trustees authorized to transfer road to city of Portland.

Directors shall transfer to city of Portland shares equal in amount to scrip issued by city.

Shares to be held as collateral security.

Such shares to be credited on books as fully paid up.

Sinking fund and commissioners to be appointed.

Commissioners, when appointed.

Shall be sworn.

Shall give bond.

Compensation of.

One per cent. of scrip to be paid to commissioners in five years from delivery.

SECT. 7. The directors shall also transfer to the city upon the delivery of any portion of the scrip herein authorized, an equal amount in the shares of the company, until the whole number of shares authorized under the charter of said company, shall be issued, to be held as collateral security for the bond of the company required to be given in such case, and the shares so held as collateral, shall be credited on the stock books of the company, as fully paid up and no assessment shall ever be required thereon, nor shall any dividends be paid on the same, nor any right of voting or acting at the meetings of the company be claimed or exercised by reason of said shares so long as the same shall be held as collateral as aforesaid.

SECT. 8. For the purpose of providing for the reimbursement of the principal of the scrip, authorized to be issued by this act, there shall be established a sinking fund, and two commissioners shall be appointed to manage the same who shall be appointed by the mayor and aldermen of the city, and in case of vacancy in the place of either, the same shall be supplied by the mayor and aldermen. Both of said commissioners shall be appointed and qualified before the delivery to the directors of any of the scrip. The commissioners shall severally be sworn to the faithful discharge of the duties enjoined upon them by this act, in presence of the city clerk who shall make a certificate and record thereof as in the case of the qualification of city officers; each commissioner shall give a bond to the city with satisfactory sureties in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of his duty as commissioner. They shall receive such compensation as may be established by the directors which shall be paid to them by the company and shall not be diminished during their continuance in office.

SECT. 9. The said company at the expiration of five years from the first delivery of any of the scrip authorized as aforesaid to be delivered, shall pay to the city treasurer one per cent. of the whole amount of said scrip, which payment shall be by the city treasurer placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund; and thereafter the said company shall also annually, in

the month of September, pay to the city treasurer from the income of the road one per cent. of the whole amount of said scrip then outstanding, which annual payments shall be successively placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund.

One per cent. to be paid annually.

SECT. 10. The commissioners shall have the care and management of all the moneys and securities at any time belonging to said fund; but the moneys invested and the securities shall be in custody of the city treasurer, who shall be by virtue of his office treasurer of the sinking fund and shall be responsible on his official bond to the city for the safe keeping of the moneys and securities of the fund; he shall pay out and deliver any of the said moneys and securities only upon the warrant of the commissioners.

Commissioners shall have care and management of all money, &c., of the fund.

Money invested, &c., to be in custody of city treasurer.

Moneys, how paid out.

SECT. 11. The commissioners shall from time to time at their discretion, invest the moneys on hand securely, so that they shall be productive, and the same may be loaned on mortgage of real estate or to any county or upon pledge of the securities of any county in this State, or invested in the stock of this State or of the United States, or in the bonds of any railroad company in New England whose road is completed and whose capital has been wholly paid in. Any portion of the fund may be invested in the city scrip authorized by this act, and such scrip shall not thereby be extinguished but shall be held by the commissioners, like their other investments for the purposes of the fund. An amount not exceeding ten per cent. of the fund may be loaned on pledge of the stock of any bank or of any stock insurance company in this State, and the commissioners may from time to time sell and transfer any of said securities.

Moneys may be invested, &c.

Fund may be invested in city scrip.

Ten per cent. of the fund may be loaned to banks or insurance companies.

SECT. 12. The sinking fund and all the sums which shall be added thereto by accumulation, upon the investments, thereof, shall be reserved and kept inviolate, for the redemption and reimbursement of the principal of said scrip at the maturity thereof, and shall be applied thereto by the commissioners.

Sinking fund shall be kept for redemption of scrip.

SECT. 13. Any of the shares in the stock of the railroad company, held by the city as collateral, may be sold and trans-

Stock held by the city may be sold or transferred.

Scrip purchased from city shall be cancelled.

Scrip not to be redeemed before maturity.

Commissioners to keep a true record of all their proceedings and investments.

Records and accounts shall be open to inspection at all times.

Commissioners may be removed on complaint of mayor and aldermen.

In case of removal, vacancy, how supplied.

ferred by direction of the commissioners of the sinking fund, with the consent of the directors of the railroad company, whenever an exchange thereof can be advantageously made for any of the city scrip, authorized by this act, or whenever the said scrip can be advantageously purchased with the proceeds of any such sale of such collateral shares. And the scrip so purchased, or taken in exchange, shall be thereupon cancelled and extinguished, and the amount thereof shall be endorsed on the respective bonds of the railroad company given on the issue of and delivery of such scrip. But no part of the sinking fund or of its accumulations shall be applied at any time or in any manner to the redemption and extinguishment of the scrip before maturity thereof.

SECT. 14. The commissioners shall keep a true record of all their proceedings, and an account of all sums paid into the fund, and of the investments made of the same, and shall annually in the month of July, report to the mayor and aldermen and to the directors of the railroad company, their proceedings for the year, the amount and condition of the fund, and the income of the several parts thereof. And their records and the accounts of the fund, and the securities belonging thereto shall at all times be open to inspection by such committee as may be appointed for that purpose by the mayor and aldermen or by the directors of the company.

SECT. 15. To secure the faithful discharge of the several trusts confided to the said commissioners under this act, the supreme judicial court is hereby empowered, upon the complaint of the mayor and aldermen, or of the directors of the railroad company against the said commissioners, or either of them, concerning any of said trusts and duties, by summary process according to the course of proceedings in equity, to hear and adjudge upon the matter of such complaint, and to issue thereon any suitable writ or process, and make any proper decree to compel the appropriate discharge and performance of such trusts and duties, and to remove the said commissioners or either of them; and in case of such removal the vacancy shall be immediately supplied, as provided in the tenth section of this act.

SECT. 16. If the said sinking fund with its accumulations shall at any time exceed the amount of the scrip unredeemed and outstanding, all such excess shall be annually paid over to the railroad company; and if any surplus of the fund shall remain after the redemption and reimbursement of all the scrip, such surplus shall be paid over to the company.

If sinking fund exceed amount of unredeemed scrip, excess to be paid to railroad company. Surplus, after redemption of all the scrip, how applied.

SECT. 17. The treasurer of the city of Portland shall, on request of the directors of the said railroad company, after the acceptance of this act by the inhabitants of said city and the execution and delivery of the bond of said company before mentioned, issue and deliver to the treasurer of the said railroad company, towards said loan, bonds of said city of Portland to the amount of fifty thousand dollars, and thereafter to issue and deliver to said treasurer of said company bonds of said city of Portland in sums of fifty thousand dollars as often as it shall appear by the report of the engineer of said railroad company, and to the satisfaction of the mayor and aldermen of said city, that work has been done or materials furnished to the amount before granted on the extension of said railroad from North Conway to a connection with the western division at the Connecticut river, until the entire amount of the loan shall be furnished.

Scrip, when to be issued to railroad company.

SECT. 18. This act shall take effect and be in force from and after its approval by the governor so far as to authorize the directors of the company and the inhabitants of the city to act upon the question of accepting the same. The several ward meetings of the inhabitants for that purpose shall be called and holden within thirty days after request by the president and directors of said company to the mayor and aldermen therefor, and within one year after the approval of this act, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect and be in force, and the citizens of Portland may vote twice upon the question of accepting this act and no more. *Approved February 27, 1872.*

Act, when to take effect.

Act to take effect in one year after acceptance by city.

LAWS OF 1872, CHAP. 167.

An act to repeal section two of chapter six hundred and eleven of the private acts of eighteen hundred and seventy-one, relating to the Portland and Ogdensburg Railroad Company.

Chap. 611, sect.
2, laws of 1871,
amended.

Be it enacted, &c. SECT. 1. Section two of chapter six hundred and eleven of the private laws of eighteen hundred and seventy-one is hereby amended by striking out the words "shall, if the stockholders vote to accept this amendment of the charter of said company," and inserting in place thereof the words "shall, if the stockholders vote to accept this section of this act," so that the section as amended shall read as follows:

Directors
chosen for three
years.

"SECT. 2. The directors of said Portland and Ogdensburg Railroad Company shall, if the stockholders vote to accept this section of this act, be chosen for three years. At the first annual meeting after this section is accepted, the stockholders shall by their votes designate the persons to hold for one year, for two years and for three years; and thereafter one-third of them shall be elected annually. Vacancies shall be filled at the annual meetings, by election, for the unexpired term of the class in which the vacancies exist."

Vacancies, how
filled.

Location
extended.

Time extended
to Dec. 31, 1875;
1873, chap. 336.

SECT. 2. The time for locating said railroad is hereby extended to the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-two.

SECT. 3. This act shall take effect when approved. *Approved February 27, 1872.*

LAWS OF 1873, CHAP. 336.

An act to extend the time for locating, building and completing the Portland and Ogdensburg Railroad.

Location, time
of, extended.

Be it enacted, &c. SECT. 1. The time for locating, building and completing the Portland and Ogdensburg Railroad is hereby extended to the thirty-first day of December, eighteen hundred and seventy-five.

SECT. 2. This act shall take effect when approved. *Approved February 21, 1873.*

LAWS OF 1875, CHAP. 1.

An act to amend the charter of the Portland and Ogdensburg Railroad Company.

Be it enacted, &c. **SECT. 1.** That the Portland and Ogdensburg Railroad Company is hereby authorized to elect, in addition to the present number of directors provided for by the charter of said company, one director, who shall be a resident of the State of New Hampshire.

Additional director, to reside in New Hampshire.

SECT. 2. Five directors shall constitute a quorum for the transaction of business.

SECT. 3. This act shall take effect when approved. *Approved January 19, 1875.*

LAWS OF 1875, CHAP. 146.

An act amendatory of and additional to an act entitled "an act additional to an act to incorporate the Portland and Ogdensburg Railroad Company."

Be it enacted, &c. **SECT. 1.** Section first of an act approved February twenty-eighth, eighteen hundred and sixty-eight, entitled "an act additional to an act to incorporate the Portland and Ogdensburg Railroad Company," is hereby amended by inserting after the words "New York" where they first occur in said section the words "and the province of Quebec," and after the words "New York," where they next occur, the words "or towards Montreal or Ottawa, in Canada;" also by adding to said section the following words: "or said Portland and Ogdensburg Railroad Company for the purpose of completing and equipping its road and any one or more of the roads of the companies aforesaid with which it may contract as aforesaid, may join with the company or companies thus contracting in the issue of joint bonds secured by a joint mortgage, covering such property and upon such terms as may be mutually agreed upon by the parties joining in such mortgage. And said Portland and Ogdensburg Railroad Company may with said companies contracting adopt a name for the through line, which shall be filed in the office of the secretary of State," so that said section shall read as follows:

Act of Feb. 28, 1868, amended.

May make contract with other railroads.

May purchase or lease certain roads.

May issue bonds, and mortgage all its property or a part thereof.

May issue joint bonds and make joint mortgage.

"SECT. 1. The Portland and Ogdensburg Railroad Company may consolidate the management of or enter into and execute a contract with the Portland, White Mountains and Ogdensburg Railroad, in the State of New Hampshire; the Essex County Railroad Company, the Vermont Central Railroad Company, the Montpelier and St. Johnsbury Railroad Company, the Vermont and Canada Railroad Company, and the Lamoille Valley Railroad Company, in the State of Vermont; and with any other railroad company, or companies now incorporated, or which may hereafter be incorporated within the States of Maine, New Hampshire, Vermont and New York, and the province of Quebec, between Portland in the State of Maine, running northwesterly towards Niagara river in the State of New York, or towards Montreal or Ottawa in Canada, or with any of the roads hereinbefore mentioned, for the maintenance working and management of the railroad or railroads of any of said companies for such period of time and on such terms and conditions as may be agreed upon by the parties entering into such contract or contracts. And said Portland and Ogdensburg Railroad Company may purchase any or all of said railroads, or take a lease or leases of any one or more of them, on such time and on such terms and conditions as may be agreed upon by the parties to such purchase or purchases, lease or leases. And the said Portland and Ogdensburg Railroad Company, in order to carry into effect any contract, purchase or lease that it may become a party to under the above authority, may issue its bonds or other securities, or guaranty the payment of the bonds or other securities of such railroad company or companies as it may contract with, make purchase of or lease, under the authority herein contained, and may secure such contracts, bonds and guaranties by mortgage of its road beds, rolling stock, franchises, rights and properties, or such parts of them as may be deemed expedient. Or said Portland and Ogdensburg Railroad Company, for the purpose of completing and equipping its road and any one or more of the roads of the companies aforesaid with which it may contract as aforesaid, may join with the company or companies thus contracting in the issue of joint bonds secured by a joint

mortgage covering such property, and upon such terms as may be mutually agreed upon by the parties joining in such mortgage. And said Portland and Ogdensburg Railroad Company may, with said companies contracting, adopt a name for the through line, which shall be filed in the office of the secretary of State. An attested copy of any contract, lease or conveyance, made or entered into with any other corporation, by the said Portland and Ogdensburg Railroad Company under the authority of this act, or of the act to which this is amendatory and additional, shall also be filed in the office of the secretary of State."

May adopt a name for the through line.

Attested copy of any contract to be filed with secretary of State.

SECT. 2. This act shall take effect when approved. *Approved February 19, 1875.*

TRUST DEED

Of the Portland and Ogdensburg Railroad Company to Woodbury Davis et als., dated November 1, 1870.

Know all men by these presents, that the Portland and Ogdensburg Railroad Company, a corporation established by the legislature of the State of Maine, and authorized and empowered by the legislature of New Hampshire to construct and extend its railroad across said State of New Hampshire, subject to the laws thereof relating to railroads, and having its principal office for the transaction of business, at Portland, in the County of Cumberland, and State of Maine, for the purpose of effecting the several trusts and securities hereinafter set forth, executed and declared, designed to enable and provide for the more speedy construction and equipment of the railroad of said company, and in consideration of one dollar paid by the grantees and trustees hereinafter named, doth hereby give, grant, bargain, sell and convey to Woodbury Davis, Samuel E. Spring and Weston F. Milliken, all of Portland, aforesaid, gentlemen, their survivors and successors, as hereinafter designated, all that part of the railroad of said company, extending and to be extended from the terminus in Portland, in the State of Maine, to Bartlett, in the State of New Hampshire, located and to be located within said limits, called the Portland and Ogdensburg Railroad, including all the rights of way and lands taken and held, or to be hereafter taken and held within said limits, in the States of Maine and New Hampshire, by said company, for the purpose of its road, and all the franchise of said company to build, maintain and operate said railroad, from said Portland to said Bartlett, granted or hereafter to be

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granted by said States of Maine and New Hampshire, and all the rails and superstructure of said railroad between said limits of Portland and Bartlett, together with all cars, engines and other movable furniture, machinery and equipments of said road, and all other personal property of said company, appertaining to and connected with the customary use and working of said railroad, and the machinery thereof.

To have and to hold the premises with all the privileges and appurtenances thereof, and belonging thereto, to them, the said grantees, their survivors and successors, as joint tenants and not as tenants in common, upon the agreements, conditions, and trusts hereinafter set forth as follows:

Whereas, the stockholders of said Portland and Ogdensburg Railroad Company, on the twenty-first day of October, in the year of our Lord one thousand eight hundred and seventy, at a meeting of said stockholders, duly notified and holden, voted, to authorize the directors of said company to issue bonds of the company to an amount not exceeding eight hundred thousand dollars, payable in not exceeding thirty years, with interest semi-annually, at the rate of six per cent. per annum, principal and interest to be paid in gold, and to secure the same by a mortgage of the road located and to be located in Portland in the State of Maine, and thence to Bartlett in the State of New Hampshire, together with all the real estate of said company lying in said Portland and thence to Bartlett, with the track and franchise appertaining to so much of said company's railroad, and with all engines, and rolling stock and other personal property belonging to said company.

And whereas, the directors of said company, on the same twenty-first day of October, in the year of the Lord one thousand eight hundred and seventy, voted to issue the bonds of said company to the amount of eight hundred thousand dollars, authorized by a vote of the stockholders, to wit: five hundred bonds for one thousand dollars each, six hundred bonds for five hundred dollars each, the bonds of each of said denominations to be numbered consecutively, beginning with number one of each series, all dated November 1st, 1870, and payable on the first day of July, in the year of our Lord one thousand nine hundred, (1,900,) with semi-annual interest coupons annexed, for interest on the first day of January, and the first day of July in each year, principal and interest payable at Boston, in gold, and signed by the president and treasurer of said company.

Now if the said company shall well, and truly pay the interest which shall from time to time accrue and become payable upon any and all of the bonds of said company, issued under and in accordance with said votes, and shall well and truly pay the principal of the same, at the maturity thereof, then this deed shall be void, otherwise shall be and remain in full force.

It is agreed that the said company may continue in possession of and manage the railroad and property aforesaid, so long as it shall punctually pay the interest and principal aforesaid according to the tenor of said bonds, and may from time to time renew and replace any of the personal property hereby conveyed, by other property of like character and situated in like manner for the purposes of said railroad according to the charter of said company.

This conveyance is made upon the following further trusts and agreements that is to say:

First. Whenever a vacancy shall occur in the number of trustees hereby appointed, or of their successors, by the death, resignation, permanent disability, or removal from this State of any one of them, whether before or after his acceptance of the trust hereof, the surviving and remaining trustees shall immediately take measures to prove the fact of such vacancy to the Honorable Nathan Clifford, or to his successor for the time being, in the office of the justice of the supreme court of the United States, allotted to the first judicial circuit, and procure the said justice to nominate and appoint in writing, some suitable person, an inhabitant of the State of Maine, to supply such vacancy, and to certify such nomination and appointment upon the back of this deed, and the said surviving and remaining trustees shall make such nomination and appointment known to the directors of said company without unreasonable delay ; and any person so appointed, upon his acceptance of said trust, shall succeed to and have all the powers of the trustee in whose place he shall be appointed.

And as often as any new trustee or trustees hereof shall be appointed, all the estate, property and interest which shall be for the time being holden upon the trusts hereof, shall thereupon be so conveyed, assigned and transferred by the acting trustee or trustees, as that the same shall vest and be holden jointly by all said trustees, to and for the same trusts, and upon the same conditions, and subject to the same powers and provisions as are herein contained and declared of and concerning the premises, and the trustees named in this instrument, so far as the same trusts, conditions, powers, and provisions shall then be subsisting and capable of taking effect.

Second. Whenever the trustees shall have entered upon and taken possession of the property hereby conveyed for breach of condition, or for the purposes of foreclosure, if before any foreclosure is consummated, the said company shall have fully satisfied and performed all the conditions, for breach of which the entry was made, and paid all the expenses incurred by the trustees under such entry and possession, or the same shall have been satisfied and paid out of the income, rents and profits received by said trustees from working and managing said railroad and other property, the said trustees shall thereupon relinquish to the company all control of said railroad, franchise and other property, and any time for which the same shall have been held by said trustees prior to any such relinquishment, shall not be taken or reckoned as effecting or leading to a foreclosure of this mortgage.

Third. Whenever the said trustees and their successors shall be in possession of said railroad and other property, they shall grant all such reasonable inspection of their accounts, records and proceedings, as may at any time be required by any committee of the directors or of the stockholders of said company.

And the said trustees shall in no event be personally liable for each other, but any one of them is to be accountable and liable only for his own acts, misdoings and neglect.

And the said company hereby covenants and agrees to and with said trustees that upon the demand of said trustees, or their successors, it will make any other and further assurance and conveyance to said trustees, or their successors, of said railroad and other property held and used in connection

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therewith, as the same shall be from time to time extended, enlarged and completed from its point of beginning in Portland aforesaid to Bartlett aforesaid so as to make the whole of the road within said limits under the charter of said company, and the franchise pertaining thereto, and the other property aforesaid subject to and liable for the payment of the bonds and interest hereinbefore described.

In witness thereof, the said Portland and Ogdensburg Railroad Company has caused these presents to be subscribed by Samuel J. Anderson, president of said company, and the seal of said company to be hereunto affixed, and the said Woodbury Davis, Samuel E. Spring and Weston F. Milliken, in testimony of their acceptance of the grants and trusts hereby made, created and declared have hereunto severally set there hands and seals, this first day of November, in the year of our Lord one thousand eight hundred and seventy.

Signed, sealed and delivered, and duly stamped, on two sheets,
in presence of

NATHAN WEBB,
WILLIAM L. PUTNAM.

Portland and Ogdensburg Railroad Company,

By SAM. J. ANDERSON, *President*. [SEAL]

Countersigned by AUG. E. STEVENS, *Treasurer*.

WOODBURY DAVIS, [SEAL]

S. E. SPRING, [SEAL]

WESTON F. MILLIKEN, [SEAL]

TRUST DEED

*Of the Portland and Ogdensburg Railroad Company:
Samuel E. Spring et als., dated November 1, 1871.*

Know all men by these presents, that the Portland and Ogdensburg Railroad Company, a corporation duly established under the laws of the State of Maine, and authorized and empowered by the legislature of the State of New Hampshire to construct and extend its railroad across the State of New Hampshire, subject to the laws of said State, relating to railroads, and having its principal office for the transaction of business at Portland in the county of Cumberland, and State of Maine, for the purpose of effecting the several trusts and securities hereinafter set forth, created and declared, intended to enable and provide, for the more speedy construction, equipment, and opening of the railroad of said company, and in consideration of one dollar paid by the grantees, and trustees hereinafter named, doth hereby give, grant, bargain, sell and convey to Samuel E. Spring, Weston F. Milliken and George F. Emery, all of Portland, aforesaid, gentlemen, their survivors and successors, as hereinafter designated, all of the railroad of said company, located and to be located in Portland in the State of Maine, and thence to its termination at the western boundary line of the State of New Hampshire, with all the rolling stock, stations, fixtures, and franchises thereof, and appurtenances thereto belonging, now owned or held, or that may be hereafter acquired by said

pany; also any and all rights which may be acquired by lease or contract, in any railroads, forming part of the through line from Portland to Ogdensburg; with all lands and tenements now taken and held or which may hereafter taken and held by said company, for the purposes of its railroad; and all the franchise of said company, to build, maintain and operate said railroad, granted or to be hereafter granted by said States of Maine and New Hampshire, together with all the cars, engines, and other movable furniture, machinery and equipments of said railroad, and all other personal property of said company, appertaining to, and connected with the customary use and working of said railroad, and machinery thereof.

To have and to hold the premises, with all the privileges and appurtenances thereof, and belonging thereto, to them the said grantees, their survivors and successors, as joint tenants and not as tenants in common, upon the agreements, conditions and trusts hereinafter set forth, as follows:

Whereas the stockholders of said Portland and Ogdensburg Railroad Company, on the twenty-third day of October, in the year of our Lord one thousand eight hundred and seventy-one, at a meeting of said stockholders duly notified and holden, voted: to authorize the directors to issue bonds of the company, to an amount not exceeding thirty-three hundred thousand dollars, payable in not exceeding thirty years, with interest semi-annually, at the rate of six per cent. per annum, principal and interest payable in gold, and to secure the same by a mortgage of the road, located and to be located in Portland, in the State of Maine, and thence to its termination at the western boundary of the State of New Hampshire, with all the lands and tenements, rolling stock, station fixtures, and franchises thereof, and appurtenant thereto, now owned or held, or that may be hereafter acquired, for the use of said company, together with any and all rights, by lease or contract which may be hereafter acquired, in any and all railroads, forming part of a continuous line from Portland to Ogdensburg; a portion only of said bonds, amounting only to the aggregate to twenty-five hundred thousand dollars to be issued to provide for the construction, completion and equipment of the whole of said railroad, the remaining eight hundred thousand dollars to be appropriated to, and to be used only for, the liquidation and removal of a prior incumbrance on that portion of said railroad, extending from Portland, Maine, to Bartlett, New Hampshire.

And whereas the directors of said company, on the thirty-first day of October, in the year of our Lord one thousand eight hundred and seventy-one, voted: that the bonds of the company, to the amount of thirty-three hundred thousand dollars, authorized by vote of the stockholders, at a meeting held the twenty-third day of October, 1871, be issued as follows: three thousand bonds of the denomination of one thousand dollars each, numbered respectively from one to three thousand inclusive; four hundred bonds of the denomination of five hundred dollars each, numbered respectively from three thousand and one to three thousand four hundred inclusive, and one thousand bonds of the denomination of one hundred dollars each, numbered respectively from three thousand four hundred and one to four thousand seven hundred, inclusive, all with semi-annual coupons annexed; and by vote, authorized the president and treasurer of said company to execute and deliver a mortgage to secure the same, and nominated and selected Samuel E.

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Spring, Weston F. Miliken and George F. Emery, all of Portland, to be trustees under said mortgage.

Now if the said company shall well and truly pay the interest, which shall from time to time accrue, and become payable, upon any and all of the bonds of said company, issued under and in accordance with said votes, and shall well and truly pay the principal of the same at the maturity thereof, then this deed shall be void; otherwise shall be, and remain in full force.

It is agreed that the said company may continue in possession of, and manage the railroad and property aforesaid, so long as it shall punctually pay the interest and principal aforesaid, according to the tenor of said bonds, and may from time to time, renew and replace any of the personal property hereby conveyed, by other property of like character, and situated in like manner for the purposes of said railroad, according to the charter of said company.

This conveyance is made upon the further trusts and conditions following, that is to say :

First. The said trustees shall certify, and give validity by their certificate to twenty-five hundred thousand dollars, of said bonds in the aggregate, whenever and as fast as the said company may require; but the remaining eight hundred thousand dollars of said bonds shall be certified, and give validity, by the certificate of said trustees, only as the same may be and are applied to the extinguishment and payment of bonds of said company, issued November 1, A. D. 1870, and secured by mortgage of that part of the railroad of said company, extending from Portland, Maine, to Bartlett, New Hampshire, dated November 1, A. D. 1870, and recorded in Cumberland Registry of Deeds, book 381, page 262.

Second. Whenever a vacancy shall occur in the number of trustees hereby appointed, or of their successors, by the death, resignation or permanent disability, or removal from this State, of any one of them, whether before or after his acceptance of the trust hereof, the surviving and remaining trustees shall immediately take measures to prove the fact of such vacancy to the honorable justice of the supreme court of the United States, who may for the time being be allotted to the first judicial circuit, and procure the said justice to nominate and appoint in writing, some suitable person, an inhabitant of the State of Maine, to supply such vacancy, and to certify such nomination and appointment upon the back of this deed; and the said surviving and remaining trustees shall make such nomination and appointment known to the directors of said company without unreasonable delay, and any person so appointed, upon his acceptance of said trust shall succeed to and have all the powers of the trustee in whose place he shall be appointed. And as often as any new trustee or trustees hereof shall be appointed, all the estate, property and interest, which shall be for the time being holden upon the trusts hereof, shall thereupon be so conveyed, transferred and assigned by the acting trustee or trustees, as that the same shall rest and be holden jointly by all said trustees, to and for the same trusts, and upon the same conditions and subject to the same powers and provisions as are herein contained and declared, concerning the premises and the trustees named in this instrument, so far as the same shall then be subsisting, and capable of taking effect.

ird. Whenever the trustees shall have entered upon and taken possession of the property hereby conveyed, for breach of condition, or for the use of foreclosure, if, before any foreclosure is consummated, the said company shall have fully satisfied and performed all the conditions for breach which the entry was made, and paid all the expenses incurred by the trustees under such entry and possession, or the same shall have been satisfied and paid out of the income, rents and profits received by said trustees, from the operating and managing said railroad and other property, the said trustees shall thereupon relinquish to said company all the control of said railroad and franchise and other property, and any time for which the same shall have been held by said trustees, prior to any such relinquishment shall not be reckoned as affecting or leading to a foreclosure of this mortgage.

urth. Whenever said trustees and their successors shall be in possession of said railroad and other property, they shall grant all such reasonable information of their accounts, records and proceedings as may at any time be required by any committee of the directors, or the stockholders of said company. And the said trustees shall in no event be personally liable for each other, but any one of them is to be accountable and liable only for his own misdoings and neglect. And the said company hereby covenants and agrees, to and with said trustees, that upon the demand of said trustees or their successors, it will make any other and further assurance and conveyance to said trustees or their successors, of said railroad and other property and used in connection therewith, as the same shall be from time to time added, enlarged and completed, so as to make the whole of said railroad, and the charter of said company, and the franchise pertaining thereto, and other property aforesaid, subject to, and liable for the payment of the principal, and interest hereinbefore described.

witness whereof, the said Portland and Ogdensburg Railroad Company caused these presents to be subscribed by Samuel J. Anderson, president of said company, and by Horatio N. Jose, its treasurer, and the seal of said company to be hereunto affixed, and the said trustees, in testimony of their compliance of the grants and trusts hereby made, created and declared, have hereunto severally set their hands and seals, this first day of November, in the year of our Lord one thousand eight hundred and seventy-one.

Witness my hand, sealed, and delivered
in presence of

JAMES S. GOODWIN,
NATHAN WEBB.

Portland and Ogdensburg Railroad Company,

By SAM. J. ANDERSON, *President*. [SEAL.]

H. N. JOSE, *Treasurer*.

[SEAL.] S. E. SPRING,
[SEAL.] W. F. MILLIKEN, } *Trustees*.
[SEAL.] GEO. F. EMERY, }

BERLAND, ss.

NOVEMBER 1, A. D., 1871.

Personally appeared Samuel J. Anderson, and acknowledged the foregoing instrument to be the free deed and act of the Portland and Ogdensburg Railroad Company.

Before me,

NATHAN WEBB, *Justice of the Peace*.

PORTLAND AND OXFORD CENTRAL RAILROAD COMPANY.

This company was first chartered by the name of the Buckfield Branch Railroad Company, and was operated under that name until 1857, when it was merged in the Portland and Oxford Central Railroad Company.

The length of the road is twenty-seven and one-half miles.

LAWS OF 1847, CHAP. 54.

An act to establish the Buckfield Branch Railroad Company.

Corporators.

Be it enacted, &c. SECT. 1. That Virgil D. Parria, William Bridgham, Samuel F. Brown, Zadoc Long, Aaron Parsons, James Jewitt, Lucius Loring, Ira Gardiner, Addison Cole, Ephraim Attwood, Nathaniel Shaw, Noah Prince, Cy H. Coolidge, Zimenes Philbrick, Rodney Chaffin, Artemas Cole, Libbens Allen, Jonathan Buck, Armory H. Allen, America Farrar, Axel Spalding, Zury Robinson, Jeremiah How, Samuel Hersey, Nathaniel O. Ryerson, Albert D. White, Sampson Reed, Edmund Irish, Jr., Richard Hutchinson, George Cobb, Joseph Hutchinson, Thomas Bridgham, Joseph Parsons, Calvin Bridgham, Henry Decoster, Washington Le and David B. Record, their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the Buckfield Branch Railroad Company, and by that name shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities provided and prescribed respecting railroads in chapter eight one of the revised statutes; may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and powers which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct and

Name.
Repealed conditionally, 1873,
ch. 344.

Powers.

ully complete, alter and keep in repair, a railroad with one more sets of rails or tracks, with all suitable bridges, ducts, turnouts, culverts, drains, and all other necessary appendages, from some point or place near Buckfield Village, through the towns of Buckfield, Hebron and Minot, at such place at or near Mechanic Falls, on the Little Androscoggin river, as will best connect with the Atlantic and Saint Lawrence Railroad now located to that place. Said railroad be so located and constructed on said route, as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of this act. And for the aforementioned purposes said corporation shall have the right to purchase, or take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; but they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, earth, gravel, stone, timber or other materials on or from the land so taken; *provided, however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; *and provided also*, that in all cases said corporation shall pay for all lands, estate or materials so taken and used, such price as may be agreed upon by the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the town or county where such land or other property may be situated, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the opening out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or

Route.

May take land.

Six rods wide.

Proviso.

Damages.

Commissioners.

forests, the said company shall have the right to fell or remove any trees standing therein within four rods of such railroad, which by their liabilities to be blown down, or from natural falling, might obstruct, or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages by this act.

Capital.

Amended 1849,
chap. 263.

Amended 1850,
chap. 411.

Officers.**Subscription.****Notice.****First meeting.**

SECT. 2. The capital stock of said corporation shall consist of not less than five hundred nor more than two thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to fill their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than five thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the towns of Portland and Minot, and the city of Portland, and elsewhere they shall appoint, to remain open for ten successive days, during which time and place of subscription public notice shall be given in some one or more newspapers, printed in the county of Oxford, and in the city of Portland, in the county of Cumberland, ten days at least before the opening of such subscription; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of the said corporation for the choice of directors and organization, by giving notice in one or more newspapers published as aforesaid, of the time and place, and the purposes of such meeting, at least fourteen days before the time mentioned in the notice.

sect. 3. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, or feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land or estate as aforesaid, and give good and valid releases and charges therefor.

Damages to persons non-compos, &c.

sect. 4. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road and, for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. If the treasurer shall give notice of all such assessments, and if any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of the corporation, the directors may order the treasurer to sell the share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the surplus, if his share or shares shall sell for more than the assessments due,

Powers of officers.

Assessments.

Notice of.

with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Toll.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Connections
with other
roads.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers, goods and other property as may be received from such other railroads so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

Private ways,
&c., not to be
obstructed.

SECT. 7. If any railroad in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof cross any canal, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as

PORTLAND AND OXFORD CENTRAL RAILROAD.

may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

SECT. 8. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, when the same passes through enclosed or improved lands, or lands that may be hereafter improved.

Fences.

SECT. 9. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls.

To carry U
mail.

SECT. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be paid for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment by the grand jury of the county within which said trespass shall have

Malicious
chief to ro

been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Extension of
charter.

SECT. 11. Said corporation shall be and is hereby invested with power and authority to continue and prolong said railroad in a north or northeasterly direction to the Androscoggin river at some point at or near the town of Canton.

To keep books
of account.

SECT. 12. Said corporation shall keep, in a book for that purpose, a regular account of all their disbursements, expenditures and receipts, and the books of said corporation, shall at all times be open to the inspection of the governor and council and of any committee duly authorized by the legislature, and at the expiration of every year the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad.

Taxes.

SECT. 13. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several towns and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as the other real estate of the same quality in such towns or plantations, and not otherwise; and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such to the owners thereof in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to twelve per centum per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter over and above twelve per centum per annum first to be paid to the stockholders shall annually be paid over by the treasurer of said corporation as a tax into the treasury of the State, for the use of the

State ; and the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

SECT. 14. The annual meeting of the members of said corporation shall be holden on the first Saturday of September, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint; at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual meeting.

SECT. 15. The legislature shall at all times have the right to inquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon such corporation which may be necessary, more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

Power of legislature.

SECT. 16. If said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the first day of November, in the year of our Lord eighteen hundred and fifty-two, or if the said corporation shall fail to complete said railroad on or before the first day of November, in the year of our Lord one thousand eight hundred and fifty-seven, in either of the above mentioned cases, this act shall be null and void. *Approved July 22, 1847.*

Time of locating and organizing.

LAWS OF 1849, CHAP. 263.

An act to increase the capital stock of the Buckfield Branch Railroad Company.

Increase of capital stock.

Be it enacted, &c. That the Buckfield Branch Railroad Company are hereby authorized to increase the capital stock of said company one hundred and fifty thousand dollars in addition to its present capital, to be divided into shares in the manner provided by law. *Approved August 7, 1849.*

LAWS OF 1850, CHAP. 411.

An act to amend chapter fifty-four of the special laws of eighteen hundred and forty-seven.

Amendment.

Be it enacted, &c. The second section of chapter fifty-four of the special laws of eighteen hundred and forty-seven is hereby amended in the fourth line by striking out the words, nine, eleven and thirteen, and inserting the words, five, seven and nine. *Approved August 29, 1850.*

LAWS OF 1852, CHAP. 536.

An act giving further time to redeem lands taken on execution against the Buckfield Branch Railroad Company.

Time to redeem land taken on execution extended.
Amended 1852, chap. 639.

Creditor shall reconvey.

Penalty for failure.

Be it enacted, &c. SECT. 1. Any person whose lands have been taken and set off on execution, issued upon any judgment against the Buckfield Branch Railroad Company, a corporation created by the laws of this State, may redeem the same at any time within three years after the levy, by paying or tendering to the creditor the sum at which said lands were appraised, and interest thereon from the time of the levy, after deducting the rents and profits, if any, received by the creditor, and the creditor shall thereupon, by deed, prepared at the expense of the debtor within ten days next following, release to said debtor all his right, title and interest in and to said lands so levied on; and if the creditor shall fail or neglect to execute said deed as aforesaid, he shall forfeit forever all claim to said lands by virtue of said levy.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor. *Approved March 27, 1852.*

LAWS OF 1852, CHAP. 639.

An act to repeal an act giving further time to redeem lands taken on execution against the Buckfield Branch Railroad Company.

Be it enacted, &c. SECT. 1. An act giving further time to redeem lands taken on execution against the Buckfield Branch Railroad Company, approved March twenty-seventh, one thousand eight hundred and fifty-two, is hereby repealed.

Time of redemption extended.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor. *Approved April 24, 1852.*

LAWS OF 1857, CHAP. 122.

An act to establish the Portland and Oxford Central Railroad Company.

Be it enacted, &c. SECT. 1. Ebenezer Cobb, David Dunn, Lucius Loring, Virgil D. Parris, Sampson Reed, John Hearsay, Benjamin Swasey, Ephraim Atwood, Thomas Cary, Thomas Hancock, William Small, Jr., George Bridgham, Jr., John Hancock, Henry Pennell, and Francis O. J. Smith, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Portland and Oxford Central Railroad Company, and by that name shall have and enjoy all the rights, privileges and powers, and be subject to all the obligations enumerated in chapter eighty-one of the revised statutes, and in the several acts subsequently passed relating to railroads and railroad companies within this State, not inconsistent with the provisions of this act.

Corporators.

Corporate name.

Repealed conditionally 1870 chap. 344.

SECT. 2. Said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair, a railroad, with one or more sets of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the city of Portland, or of junction with the York and

Location of road.

Amended 1870 chap. 454.

Proviso.

Powers, privileges, &c.

Proviso.

Right of way upon certain railroads.

Cumberland railroad, or with the Kennebec and Portland railroad, and extending thence upon the most eligible line through Westbrook, Falmouth, Cumberland, Gray, New Gloucester and Poland, to a junction with the Buckfield Branch railroad in Minot; *provided*, that the aforesaid location within said city, and from said city to the junction of the York and Cumberland and Kennebec and Portland railroads, at or near Morrell's Corner, so called, in Westbrook, if made or extended through any lands belonging in whole or in part to the heirs of the late James Deering, of said Westbrook, shall be confined within the located limits of the York and Cumberland and Kennebec and Portland railroads, as now made and used through said lands between the points aforesaid, and shall not interfere with the road of any company as now located, without the consent of such company. And said corporation shall be, and hereby are invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as herein set forth. And for this purpose, said corporation shall have the right to purchase, or to take and hold under and subject to, and in the manner provided by existing laws regulating the taking and holding of lands for the purposes of railroads, so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; *provided, however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and said corporation is hereby empowered to negotiate with the York and Cumberland Railroad Company from said point of junction, and with the Kennebec and Portland Railroad Company from such point of junction therewith, by lease, purchase or otherwise, for a permanent right of way upon the track or within the limits of said last named roads to the city of Portland, with all the rights and privileges that shall be thereby made incident thereto, for the purposes of the corporation hereby created. And in case such railroads shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing there-

in, within four rods from such road, which by their liability to be blown down, or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered and paid for in the same manner as is provided for the recovery of other damages in the acts aforesaid.

Right to fell or remove trees.

Compensation, how recovered.

SECT. 3. The capital stock of said corporation shall consist of sixteen thousand shares of fifty dollars each, as the same shall from time to time be authorized by the stockholders of said corporation, to be issued, not exceeding in the aggregate for the purposes of construction, the ratio of twenty thousand dollars per mile of the length of railroad hereby authorized. And the immediate government and direction of the affairs of said corporation, shall be vested in five or seven directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and subject to their direction; and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties, to the satisfaction of the directors, for the faithful discharge of his trust.

Capital stock and shares.

Directors.

President.

Clerk.

Treasurer.

SECT. 4. Any three of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers, published in the city of Portland, of the time and place, and the purposes of such meeting, ten days before the time mentioned in such notice.

First meeting, how called.

SECT. 5. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property; and to create bonds for the payment of any needful indebtedness of the com-

By-laws.

Bonds.

All property
deemed real
estate.

pany, secured by mortgages of the franchise, and other property of the company, with all the privileges of redemption incident to mortgaged real estate, and not otherwise. And for all the purposes of such mortgages, all property of said corporation shall be deemed and treated as real estate exclusively.

Powers vested
in the president
and directors.

SECT. 6. The president and directors, for the time being, under the direction of the stockholders, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation; and the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessments on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and cost of sale; *provided, however,* that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than fifty dollars.

Duty of treasurer if assessments are not paid.

Proviso.

Toll granted.

SECT. 7. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers, and prop-

PORTLAND AND OXFORD CENTRAL RAILROAD.

ty of all descriptions, which may be conveyed or transported them upon said road, at such rate as may be agreed upon, d established, from time to time, by the directors of said corporation. The transportation of persons and property, the nstruction of wheels, the forms of cars and carriages, the ights of loads, and all other matters and things in relation said road, shall be in conformity with such rules, regula- ns and provisions as the directors shall from time to time ect.

Rate, h
establis

Transp
&c.

—how r
lated.

SECT. 8. The said corporation shall at all times, when the stmaster general shall require it, be holden to transport e mail of the United States from and to such place or places . said road as required, for a fair and reasonable compensa- on. And in case the corporation and the postmaster general

Mail, U
transpo
of.

all be unable to agree upon the compensation aforesaid, e legislature of the State shall determine the same. And id corporation, after they shall commence the receiving of

Compen
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lls, shall be bound at all times to have said railroad in good pair, and a sufficient number of suitable engines, carriages d vehicles, for the transportation of persons and articles, and e obliged to receive, at all proper times and places, and

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in good

nvey the same, when the appropriate tolls therefor shall be id and tendered, and a lien is hereby created on all articles nsported for said tolls. And the said corporation fulfilling

—to tra
persons
propert

its part, all and singular, the several obligations and duties this section imposed and enjoined upon it, shall not be held bound to allow, without its consent by lease or otherwise,

No eng
to pass
said ro

y engine, locomotive, cars, carriages or other vehicles, for e transportation of persons or merchandise to pass over said

road, other than its own, furnished and provided for that pose, as herein enjoined and required; *provided, however,* t said corporation shall be under obligations to transport,

Provisi

may contract for the transport over said road, in connec- a with their own trains or otherwise, the passenger and er cars of any other incorporated company having a rail-

d connecting with that hereby authorized. Such other npany being subject to all the provisions of the seventh sec- n of this act, as to rates of toll and all other particulars

umerated in said section.

Annual meeting.

Directors, choice of.

Special meetings.

Failure to elect directors, meeting to be adjourned.

Director holding over.

Buckfield Branch Railroad, purchase of.

46 Me. 69.

—to become part of Portland and Oxford Central Railroad.

Charters of said railroads, operations of.

SECT. 9. The annual meeting of the members of said corporation shall be holden on such day as shall be determined by the by-laws, and at such hour and place as the directors, for the time being, shall appoint; at which meeting the directors shall be chosen by ballot, each stockholder, by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct. And in case of a failure, from any cause, to elect a board of directors on the day so appointed for the annual meeting, the said meeting shall be adjourned from day to day until such election shall have been effected, and a new board organized to act. And no director, holding over his official term of one year, shall perform any other acts for the corporation except such as shall be requisite to preserve the interests of the company, until a new board of directors shall have been organized.

SECT. 10. It shall be competent for said corporation to purchase, on such terms as the parties shall mutually stipulate, the franchise and all the property, real and personal, road, roadbed, track, depots, buildings and equipments, pertaining to and constituting the Buckfield Branch Railroad, with all the privileges, rights of way, and other immunities whatsoever, pertaining to said last named road, and held under and by virtue of the charter therefor, and for this purpose proportionably to increase the capital stock of the corporation hereby authorized, to an extent requisite to represent the value of such purchase, and to add certificates of shares accordingly to the number otherwise authorized by this act. And from and after such purchase, and a transfer of said franchise and property, by the owners thereof, said Buckfield Branch Railroad shall merge in and become a part of the Portland and Oxford Central Railroad, and be subject to all the liabilities, and entitled to all the privileges, rights and immunities of the other property of said Portland and Oxford Central Railroad Company; and the charter hereby granted shall in such case be and operate in all the powers, rights and privileges herein described, co-extensively with the line of road herein first

cribed, and the line heretofore embraced by the act incorporating said Buckfield Branch Railroad Company, and the named company shall thereupon cease, except for the purposes of preserving the rights of the creditors thereof, none of which rights shall be limited, enlarged, changed or annulled, anything herein contained or provided.

Creditors,
rights of, pre-
served.

SECT. 11. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectually to compel compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or other duties, liabilities or obligations. And this charter shall not be revoked, annulled, altered, limited or restrained, without the consent of the corporation, except by due process of law.

Right of the
legislature to
inquire into the
doings of said
corporation,
&c.

Charter, revo-
cation of.

SECT. 12. The building of said railroad shall not be commenced until a *bona fide* and responsible subscription to the capital stock of said company is obtained, to an amount at least equal to fifty per cent. of the engineer's estimate of the whole cost of said railroad from Portland to Mechanic Falls, exclusive of any subscription to be paid for by the transfer of any other railroad to said company. If said company shall commence building said railroad before such subscription is obtained, they shall have no benefit from the provisions of this act.

Building of said
railroad, when
to be com-
menced.

SECT. 13. If the said corporation shall not have been organized, and the location, according to actual survey of the route, agreed with the county commissioners of the counties respectively in which the same may be located on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty; or if the said corporation shall fail to complete said railroad to the extent of its rights under its charter, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-

Time of loca-
tion and com-
pletion of said
road.

Amended 1866,
chap. 620.

eight, in either of the above mentioned cases this act shall be null and void for so much of the said line or route as shall at said time, remain unfinished.

Stockholders
exempt from
the operation of
certain laws.
Stock and
interest liable
to seizure, &c.,
for debts.

SECT. 14. The stockholders of said corporation shall be exempt from the operation of the provisions of sections sixteen, nineteen, and twenty, of chapter seventy-six of the revised statutes, and all provisions auxiliary thereto; but the stock, and interest in the stock of said corporation, of each member thereof, shall be liable to seizure and sale, and the proceeds thereof, shall be applied to the payment of the debt, upon execution duly recovered against said corporation, whenever the officer holding such execution shall first ascertain and certify upon such execution, that he cannot find any real or personal property or estate wherewith to satisfy the same; and each stockholder whose stock shall be so seized and sold to satisfy the debt of the corporation, shall have the same remedy as if he were a creditor of the corporation, to recover the amount thereof by contribution against other members of said corporation, as is contemplated in the twenty-second section of the aforesaid chapter of the revised statutes.
proved April 15, 1857.

—remedy of
stockholder
whose stock
shall be sold.

LAWS OF 1868, CHAP. 620.

An act to extend the time for building and completing the Portland and Oxford Central Railroad.

Extended to
Dec. 31, 1873.

Be it enacted, &c. SECT. 1. The time for building and completing the Portland and Oxford Central Railroad, is hereby extended to December thirty-first, anno domini one thousand eight hundred and seventy-three.

SECT. 2. This act shall take effect when approved.
proved March 6, 1868.

LAWS OF 1870, CHAP. 454.

An act additional to the acts which constitute the charter of the Portland and Oxford Central Railroad Company.

The following sections are additional to the acts which constitute the charter of the Portland and Oxford Central Railroad Company:

it enacted, &c. SECT. 1. The said company is empowered upon land it shall have acquired in the mode prescribed by acts to which this is additional, to construct a railroad, one or more sets of rails, extending from Canton mills to the line of its present location, along the southerly side of Androscoggin river through the towns of Canton and Rumford, or across the said Androscoggin river through the town of Rumford, (to Rumford falls in the town of Rumford.)

Empowered to construct railroad from Canton mills to Rumford falls.

SECT. 2. In relation to this authorized road, the company is vested in all respects with the same rights, privileges and immunities, and made subject in all respects to the same regulations and liabilities that were attached to it in relation to the existing road, either by the general railroad act, (chapter one of the revised statutes,) or by the acts to which this is additional.

Rights, privileges and liabilities.

SECT. 3. Two years after the passage of this act are allowed the company in which to locate said road, and five years to complete the same.

Location and construction, time allowed for.

SECT. 4. The legislature shall at all times have the right to regulate in the manner in which the privileges and franchises granted and hereby granted, may have been used and employed by the corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary, more effectual to compel a compliance with the provisions, liabilities and duties herein set forth and enjoined, and subject to the general regulations regulating railroads now upon the statute book, or which may hereafter be passed by the legislature of this State. *Approved March 10, 1870.*

Doings of corporation may be inquired into by legislature.

LAWS OF 1873, CHAP. 344.

imposing a penalty on the Portland and Oxford Central Railroad Corporation for abuses of its privileges and franchises.

it enacted, &c. SECT. 1. The charter of the Portland and Oxford Central Railroad Corporation, by reason of abuses of the rights, privileges and duties, therein and hereby conferred and enjoined, and on account of public

Corporate name.

Charter
revoked.

Proviso.

Provisions of
this act to be
suspended
under certain
conditions.

necessity and convenience, is hereby revoked and annulled, and all the rights, privileges, and franchises therein and thereby granted by virtue of said charter, are hereby declared forfeited to the State ; *provided*, that if the owners or managers of said railroad corporation shall, on or before the first day of August, eighteen hundred and seventy-three, file in the office of the secretary of State, a certificate of the railroad commissioner of Maine, certifying therein, that said railroad has been put in good repair and condition, from Mechanic Falls to Canton Mills, that good and sufficient equipments have been put upon the same, and that trains for the accomodation of freight and passengers are daily run and operated thereon, then the provisions of this act shall be suspended until the second Wednesday of January, one thousand eight hundred and seventy-four.

SECT. 2. This act shall take effect the first day of August, eighteen hundred and seventy-three. *Approved February 21, 1873.*

PORTLAND AND ROCHESTER RAILROAD COMPANY.

This road has been completed to Rochester, N. H., and regular train commenced running through upon it 31st of July, 1871.

It is fifty-two and one-half miles in length.

LAWS OF 1846, CHAP. 369.

An act to establish the York and Cumberland Railroad Company.

Corporators.

Be it enacted, &c. SECT. 1. That William C. Allen, Benjamin J. Herrick, James Thomas, Nathan D. Appleton, Joseph Emerson, Israel Chadbourne, Nathan Dane, John T. Paine, John Storer, John Powers, Rufus McIntire, Nathan Clifford, John Jameson, Moses McDonald, Moses Dunn, Miles W. Stewart, Nathaniel J. Miller, Ellis B. Usher, Daniel

leton, Isaac Deering, James Leavitt, Jere. Roberts, Jr.,
 es Irish, Toppan Robie, Josiah Pierce, Dominicus Jordan,
 el C. Emery, Brice M. Edwards, Dan Carpenter, Noah
 on, David Noyes, William G. Chadbourne, William Swan,
 h Conant, Luther Dana, George F. Shepley, and Thomas
 amond, their associates, successors, and assigns, are hereby
 e and constituted a body politic and corporate, by the
 e of the York and Cumberland Railroad Company, and
 at name may sue and be sued, plead and be impleaded,
 shall have and may enjoy all proper remedies at law and
 equity, to secure and protect them in the exercise and use
 he rights and privileges, and in the performance of the
 es hereinafter granted and enjoined, and to prevent all
 sions thereof, or interruption in exercising and performing
 same. And the said corporation are hereby authorized
 empowered to locate, construct, and finally complete,
 , and keep in repair, a railroad, with one or more sets of
 or tracks, with all suitable bridges, tunnels, viaducts,
 ouths, culverts, drains and all other necessary appendages,
 some point or place in the city of Portland in the county
 umberland, through the villages of Saccarappa in the
 of Westbrook, and of Gorham ; thence into the county
 ork, through the towns of Buxton, Hollis, and Water-
 ough to Alfred village ; and thence through the towns of
 ord, North Berwick, and Berwick, to some point or place
 outh Berwick or Berwick, where it will best connect with
 road leading to Boston, and said corporation is hereby
 orized to connect their said road with the Boston and
 ie Railroad, in accordance with the provisions of law, and
 inconsistent with the chartered rights of said last named
 oad company ; *provided*, that the said railroad shall not,
 out the consent of the city council of the city of Portland,
 ocated or constructed across Green street in said city ; nor
 out such consent, shall the track and terminus of said
 oad, at any place east of Green street, be located more
 one hundred and fifty feet from the present high water
 k. And said corporation shall be and hereby are invested
 all the powers, privileges, and immunities, which are or

Corporate
name.

Route.

Amended :
 1848, chap. 106 ;
 1852, chap. 547 ;
 1853, chap. 180 ;
 1866, chap. 115 ;
 1868, chap. 531 ;
 1871, chap. 569
 and 625 ;
 1875, chap. 125.

Amended 1868,
chap. 531.

Powers.

May take land.

Width of road.

Proviso.

Damages.

May fell trees
within four
rods.

may be necessary to carry into effect the purposes and objects of this act as herein set forth ; and for this purpose said corporation shall have the right to purchase, or to take and hold, so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction, and convenient operation of said railroad ; and that they shall also have the right to take and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken ; *provided, however,* that said land so taken, shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment. And *provided, also,* that in all cases, said corporation shall pay for such lands, estates, or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on ; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners, for the county where such lands or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the case of damages by the laying out of highways ; and the land so taken by the corporation shall be held as lands taken and appropriated for public highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property ; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing thereon, within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad ; by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act. And furthermore said corporation shall have all the powers, privileges, and immunities, and be subject to all the duties and liabilities, provided and prescribed, respecting railroads in chapter eighty-one of the Revised Statutes, not inconsistent with the express provisions of their charter.

SECT. 2. When said corporation shall take any land or other estate as aforesaid of any infant, person *non compos mentis*, feme covert whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases and charges therefor.

May settle with guardians in certain cases.

SECT. 3. The capital stock of said corporation shall consist of not less than five thousand nor more than eight thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly chosen and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be the president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall be sworn, and also give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than thirty thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the towns of Westbrook, Gorham and Alfred, and in the cities of Portland and Boston, and elsewhere, as they shall appoint, to remain open ten successive days, of which time and place of subscription, public notice shall be given in some newspaper printed in Portland and Boston and Saco, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed eight thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening

Capital.

Amended 1848, chap. 108; 1850, chap. 331.

Officers.

Amended 1871, chap. 569.

Subscription.

of said books; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation by giving notice in one or more newspapers published in the town of Saco and city of Portland, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

By-laws.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this State for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Powers of officers.

SECT. 5. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the object of this grant, to purchase and hold, within and without the State, land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road and for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest

Assessments.

and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any share in said corporation of a greater amount in the whole than one hundred dollars.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all description which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct. Toll.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And the said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad, received for freight and passengers at any of the depots of said corporation. Connections with other roads.

SECT. 8. If the said railroad in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall in the course thereof cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike or other highway; and the said corporation shall have power to raise or lower such Crossing of private ways, &c.

turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way.

bridges.

SECT. 9. Said railroad corporation shall constantly maintain in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

lay cross tide
waters.

SECT. 10. If the said railroad shall in the course thereof, cross any tide waters, navigable rivers, or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *provided*, said bridge or bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

fences.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court, for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

to carry U. S.
mail.

SECT. 12. The said corporation shall, at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And the said

corporation, after they shall commence the receiving of tolls, shall be bound, at all times, to have said railroad in good repair, and a sufficient number of suitable engines, carriages, and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor, shall be paid or tendered; and a lien is hereby created on all articles transported, for said tolls. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, car, carriage, or other vehicles for the transportation of persons or merchandise to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or anything belonging thereto, or any material or implements to be employed in the construction, or for the use of said road, he, she, or they, or any person or persons assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for before any justice or in any court proper to try the same, by the treasurer of the corporation, or other officer, whom they may direct, to the use of said corporation. And such offender or offenders, shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences, contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction shall be had.

Wilful injury
of road, how
punished.

SECT. 14. Said corporation shall keep in a book for that purpose, a regular account of all disbursements, expenditures,

Books to be
kept.

and receipts; and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said railroad.

Taxes.

When net
income of road
is ten per cent.
how disposed
of.

SECT. 15. All real estate purchased by said corporation, for the use of the same, under the fifth section of this act, shall be taxable to said corporation by the several towns, cities, and plantations in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same as other real estate of the same quality in such town, city, or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum, upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income from said railroad, accruing thereafter, over and above ten per centum per annum, first to be paid to the stockholders shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the State for the use of the State. And the State may have and maintain an action against said corporation therefor, to recover the same. But no other tax than herein is provided, shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Annual and
special meet-
ings.

Amended 1848,
chap. 108; 1857,
chap. 62.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the first Monday in June, or such other day as shall be determined by the by-laws, at such time and place as the directors, for the time being, shall appoint at which meeting the directors shall be chosen by ballot, each proprietor, by himself or proxy, being entitled to as many votes as he holds shares; and the directors are hereby author

ized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 17. The legislature shall at all times have the right to inquire into the doings of said corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities, and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained, without the consent of the corporation, except by due process of law.

Power of legislature.

SECT. 18. If the said corporation shall not have been organized, and the location according to actual survey of the route, filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-one, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, in either of the above cases, this act shall be null and void.

Time of organizing.

Amended 1852, chap. 457; 1853, chap. 180; 1857, chap. 62; 1859, chap. 298; 1863, chap. 214.

SECT. 19. And the said corporation is hereby authorized and empowered to transfer and assign this charter, with all its privileges, immunities, and franchises, to the Boston and Maine Railroad Company, on such terms and conditions as shall ensure, within the times prescribed by this act, the location and construction of said railroad. But said transfer and assignment shall not exonerate the corporation hereby created, or the stockholders thereof, from any legal liabilities or duties by them before that time incurred and undertaken, and the said Boston and Maine Railroad Company, after such transfer and assignment, shall be holden to perform all the duties, by this act imposed upon the said York and Cumberland Railroad Company. *Approved July 30, 1846.*

May sell its charter &c., to B. & M. Railroad.

LAWS OF 1848, CHAP. 108.

An act in addition to "an act to establish the York and Cumberland Railroad Company."

Capital stock.
Amended 1850,
chap. 331.

Be it enacted, &c. SECT. 1. That the capital stock of the York and Cumberland Railroad Company shall consist of not less than four thousand shares. And said shares shall be established at not less than fifty dollars for every share.

Western
terminus.

SECT. 2. The said railroad shall be so located and constructed, that its western terminus shall be at some point or place, within or near the village of South Berwick, where it shall best connect with a railroad leading to Boston.

Meeting of
stockholders.

SECT. 3. The persons named in the act to which this is additional, or any seven of their number, may call a meeting of all persons who are or shall be subscribers to the stock of said road, at such time and place as they shall appoint, by giving public notice thereof in one newspaper in each of the counties of York and Cumberland, fourteen days before such meeting. The subscribers present at such meeting shall then and there vote upon the question of accepting the first and second sections of this act, and shall act upon the said sections separately. And neither of said sections shall take effect, unless the same shall be accepted by the vote of a majority of the subscribers present at such meeting.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor. And all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. *Approved June 21, 1848.*

LAWS OF 1850, CHAP. 331.

An act additional to an act to establish the York and Cumberland Railroad Company.

Capital stock
increased
\$120,000.

Be it enacted, &c. SECT. 1. The capital stock of the York and Cumberland Railroad Company is hereby increased twenty-two thousand shares, so that the capital stock of said company shall consist of not less than five thousand nor more than thirty thousand shares of fifty dollars each.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved July 26, 1850.*

LAWS OF 1852, CHAP. 487.

An act extending the time in which to file the location of the line of the York and Cumberland Railroad Company.

Be it enacted, &c. SECT. 1. The time in which the location of the line of the York and Cumberland Railroad Company may be filed, is hereby extended for the term of one year from the last day of December next.

Time extended one year. See law of 1850, chap 298, and 1863, chap. 214.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 23, 1852.*

LAWS OF 1852, CHAP. 547.

An act authorizing the York and Cumberland Railroad Company to extend a branch to Sebago Lake.

Be it enacted, &c. SECT. 1. The York and Cumberland Railroad Company, are hereby authorized to extend a branch of their road, from some convenient point on the line thereof, to Sebago Lake, at such point or place as they may find most convenient or desirable.

Branch Railroad authorized to Sebago pond.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved March 30, 1852.*

LAWS OF 1853, CHAP. 180.

An act additional respecting the York and Cumberland Railroad Company.

Be it enacted, &c. SECT. 1. The York and Cumberland Railroad Company is hereby authorized to locate, construct and maintain a line of railroad from some point of connection with its present chartered route in the town of Lebanon, to such a point on the boundary line between this State and New Hampshire, as will best enable said company to connect with such railroad as may be authorized by the State of New Hampshire to be constructed to the same point, so as to form a connected line of railroad, extending southwesterly in the general direction of Rochester, Nashua and New York. And all the rights hereby granted shall be exercised by said company,

Line of road.

Objects of extension.

direction of route.

Grant, when to
take effect.

under the provisions of its charter, except so far as the same are modified by this act, and subject to the general laws of this State; but this section shall not take effect unless the said company shall make and construct and complete the said road, on or near its present location from Lebanon to Falls, Somersworth, New Hampshire, simultaneously with the construction of said proposed extension.

York and Cum-
berland, time of
location, com-
pletion, &c.
extended.

SECT. 2. A further time of one year from the expiration of the time now fixed by law, is hereby granted, within which the said York and Cumberland Railroad Company may complete and file the location of its road, between the town of Buxton and the line of New Hampshire, under its charter, and the location of the additional line of road hereby authorized. And the said company shall be subject to the general laws now existing in this State, or which may hereafter be enacted by the legislature of this State.

Subject to
general laws.

May unite with
certain other
roads.

SECT. 3. If the said company shall determine to build an additional line of road authorized by the first section of this act and to form the connection therein contemplated with such other road in the State of New Hampshire, it shall be lawful for said York and Cumberland Railroad Company to unite with such connecting company under one charter, by the name of the Portland, Nashua and New York Railroad Company, and the stock and franchise of said York and Cumberland Railroad Company may be consolidated into and become a part of the stock and franchise of said united company. This section shall not take effect unless the stockholders of the said York and Cumberland Railroad Company, at a meeting with notice for that purpose, shall vote to authorize such connection and union. And such united company shall be bound to perform and discharge within this State, whatever duties and liabilities are imposed upon said York and Cumberland Railroad Company by the charter thereof and by the general laws of this State.

Corporate
name.

Stock, consoli-
dation of.

When to take
effect.

United com-
pany, duties of,
&c.

SECT. 4. This act shall take effect upon its approval by the governor. *Approved March 31, 1853.*

LAWS OF 1857, CHAP. 62.

additional to an act to establish the York and Cumberland Railroad Company.

it enacted, &c. SECT. 1. All meetings of stockholders of said company heretofore called by publication of notice of the time and place of meeting in one public paper, published in said town of Saco or city of Biddeford, in the county of Cumberland, shall, for all legal purposes of said meetings be held to have been legally notified, anything in the by-laws of said company to the contrary notwithstanding; and all future meetings of said company may be called by publishing notice of the same in one public paper published in said town of Saco instead of two in the town of Saco, as now required by the by-laws of said company.

Meetings of stockholders, how called.

SECT. 2. A deed of mortgage and trust bearing date January 1st, eighteen hundred and fifty-seven, and purporting to be executed by said company to James Hayward, William Willis and James C. Churchill, shall be binding and obligatory on said company, and shall be held to have vested and been assigned in trust to said Willis and Churchill, (the said Hayward having declined said trust,) and to the survivor and successors of said Willis and Churchill, all the franchise, estate and real property, purporting to be conveyed by said deed, and the moneys secured by said mortgage are hereby made and declared to be negotiable by delivery.

Certain deed of mortgage and trust to be binding.

SECT. 3. All conveyances and releases which have been or hereafter made to said Hayward, Willis and Churchill as trustees under said mortgage, shall vest in said Willis and Churchill as trustees, all the estate and property intended to be conveyed or released thereby to said trustees, and all conveyances purporting to be made by any person or corporation to said Hayward, Willis and Churchill as such trustees, but not executed by said Willis and Churchill only, on the part of said company, shall in law be held to be binding and obligatory on all parties who shall have executed the same, and may be enforced by or against the trustees parties thereto, and their survivor or successors in said trust.

Certain conveyances, &c., to vest in Willis and Churchill as trustees.

Stockholders,
liability of.

SECT. 4. All stockholders of said company who have rendered or who may hereafter surrender their stock in said company, shall be liable to the amount of their stock debts of the company contracted during their ownership of said stock, and such liability shall continue for the term of one year and no longer, after the record of the surrender of their stock to the company on the books of the corporation. If any officer holding an execution against the company shall return thereon, that by reason of the non-residence of the stockholder in this State, he has been unable to demand of such stockholder to disclose and show to him attachable assets of such corporation sufficient to satisfy the execution, such stockholder shall be liable without any demand to a judgment of the case, provided in section third, chapter two hundred and seventy-six of laws of eighteen hundred and fifty.

Time of filing
location
extended.

SECT. 5. The time in which the location of the line of the York and Cumberland railroad may be filed, is extended to the term of one year from the last day of December next.

SECT. 6. This act shall take effect from the time of its approval by the governor. *Approved April 2, 1851*

LAWS OF 1859, CHAP. 298.

An act to extend the time for filing locations and for construction of the York and Cumberland Railroad.

Location, &c.
time of extend-
ed.

Be it enacted, &c. SECT. 1. The time for the York and Cumberland Railroad Company to complete the location and construction of its railroad is hereby extended to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four.

Authorized to
correct or vary
location, &c.

SECT. 2. Said corporation is hereby authorized to correct or vary the location of its line, in such manner as best to subserve the purpose of building the railroad between the termini, still locating and constructing it through the towns named in the charter, and the town of Lyman.

Certain loca-
tions made val-
id.

SECT. 3. Such locations as said corporation has made in pursuance of amendment of its line, and such new locations as said corporation has made between the termini, and conform-

terms and conditions of the second section of this act, the September, in the year of our Lord one thousand eight hundred and fifty-eight, are hereby authorized, confirmed and ratified. *Approved March 14, 1859.*

LAWS OF 1863, CHAP. 214.

Act to extend the time for the completion of the York and Cumberland Railroad.

Be it enacted, &c. The time within which by the eighth section of an act entitled "an act to establish the York and Cumberland Railroad Company," approved July thirtieth, the year of our Lord one thousand eight hundred and forty-four, said corporation were required to complete the railroad which was thereby authorized, be and the same is hereby extended to the first day of January, in the year of our Lord sixteen hundred and seventy, and so much of said eighteenth section as is inconsistent herewith be and the same is hereby repealed. *Approved February 12, 1863.*

York and Cumberland Railroad time for completion of, extended.

—to January 1, 1870.

Amended 1869, chap. 4.

LAWS OF 1866, CHAP. 115.

Act to enlarge the powers of the Portland and Rochester Railroad Company, and for other purposes.

Be it enacted, &c. SECT. 1. That the Portland and Rochester Railroad Company, a corporation duly formed and organized agreeably to the provisions of the act approved March twenty-fifth, in the year of our Lord one thousand eight hundred and fifty-four, entitled "an act relating to the redemption of railroad mortgages by subsequent mortgages, and for the better protection of bondholders," by the holders of bonds issued by the York and Cumberland Railroad Company, and succeeding to the rights and immunities said last named company, be and hereby is authorized and empowered to change the route prescribed in the act of incorporation of said York and Cumberland Railroad Company, the location and construction of the road authorized therebetween the town of Sanford, in the county of York, and

Change of route authorized.

Amended 1868, chap. 531.

Location.

Powers, privileges, obligations, &c.

the southerly termination of said road, and to make a location of said road from some suitable point of the present location in said town of Sanford to the town of Rochester in the State of New Hampshire; and also to make such alterations in the route and location of said road, between the towns of Hollis and Sanford, passing through the town of Alfred, as upon survey shall be found to shorten the length of said road and diminish the expense of construction of the same; with all the powers, rights and privileges to construct and maintain said railroad over and upon said new location and subject to all the liabilities, duties and obligations which are granted or imposed by the act of incorporation of the York and Cumberland Railroad Company, or by the laws of the State.

Right to construct railroad as defined in original charter not to be impaired.

Rights, &c., additional,

SECT. 2. That nothing contained in this act, nor the proceedings of said Portland and Rochester Railroad Company by virtue thereof, shall invalidate, or impair the right of said company to construct said railroad upon the route prescribed in said original act of incorporation and the location made in pursuance thereof; but said company may exercise all the powers and enjoy all the rights, privileges and immunities granted by the first section of this act in addition to those contained in the act of incorporation of the York and Cumberland Railroad Company.

City of Portland authorized to subscribe to capital stock.

Proviso.

SECT. 3. Whenever the amount of one hundred and fifty thousand dollars additional to the present stock of said company shall have been subscribed in good faith, by responsible parties, the city of Portland in its corporate capacity, shall be authorized to subscribe a sum not exceeding three hundred thousand dollars to said stock; *provided*, two-thirds of the present voting at said meeting legally called for that purpose shall by ballot, vote so to do. *Approved February 19,*

LAWS OF 1868, CHAP. 456.

An act to amend section one of chapter three hundred and ninety-five of the private and special laws of eighteen hundred and sixty-seven.

How amended.

Be it enacted, &c. Section one of chapter three hundred and ninety-five of the private and special acts of one thousand eight hundred and sixty-seven.

ht hundred and sixty-seven, is hereby amended, by insert-
; after the words "the Bangor and Piscataquis Railroad
mpany," the words "and also the Portland and Rochester
ilroad Company." *Approved February 6, 1868.*

LAWS OF 1868, CHAP. 531.

n act authorizing the Portland and Rochester Railroad Company to
change the location of its road.

Be it enacted, &c. SECT. 1. The Portland and Rochester
ilroad Company is hereby authorized to change the location
its track between Cumberland Mills in Westbrook and its
ot in Portland, on or before the first day of January, eigh-
n hundred and seventy-one, so as to conform, as nearly as
y be found advantageous, to a line running directly from
umberland Mills to Woodford's Corner, in Westbrook, thence
the shore of Back Cove, near the premises of Warren Spar-
w, thence along the side of said Back Cove to the factory of
e Portland Stone Ware Company, thence across Back Cove
the northwesterly end of the engine house of said railroad
npany in Portland; the location to be made on or before
uary one, eighteen hundred and sixty-nine, and under the
hority hereby given is to be subject to the provisions of law
ulating the location and construction of railroads in this
te, and the provisions of the charter of said railroad com-
y, or of the York and Cumberland Railroad Company.

Location of
track between
Cumberland
Mills and Port-
land depot
changed.

Route.

When and how
be located.

Amended 1871,
chap. 569 and
625; 1875, chap.
125.

SECT. 2. This act shall take effect when approved. *Ap-
proved February 18, 1868.*

LAWS OF 1869, CHAP. 4.

An act to extend the time for the completion of the Portland and
Rochester Railroad.

Be it enacted, &c. SECT. 1. The time within which, by
apter two hundred and fourteen of the private laws of eigh-
n hundred and sixty-three, entitled "an act to extend the
e for the completion of the York and Cumberland Rail-
d," said corporation was required to complete the railroad
ich was thereby authorized, be and is hereby extended to

Chap. 214 pri-
vate laws 1863,
amended.

Time for com-
pletion extend-
ed.

the Portland and Rochester Railroad Company, to the first day of January, eighteen hundred and eighty, and so much of said two hundred and fourteenth chapter as is inconsistent herewith be and is hereby repealed.

SECT. 2. This act shall take effect when approved. *Approved January 27, 1869.*

LAWS OF 1871, CHAP. 569.

An act additional to the acts establishing the Portland and Rochester Railroad Company.

Authorized to elect a vice-president; duties.

Be it enacted, &c. SECT. 1. In addition to the officers provided for in their charter, the directors of said company are hereby authorized to elect one of their number to be vice-president of the board, who shall preside, in the absence of the president, at all meetings of the directors and of the stockholders.

Location of track, change of, may be made in three years.

SECT. 2. The time within which the change of the location of the track of their road between Cumberland Mills, in Westbrook, and their depot in Portland may be made, is hereby extended for the term of three years from the first day of February next.

Deed of mortgage and of the trust made valid and obligatory upon company.

SECT. 3. The deed of mortgage and of trust, bearing date November first, eighteen hundred and seventy, and executed by said company to H. J. Libby, Frederick Fox of Portland, and John A. Waterman of Gorham, as trustees, and the books of the company according to their terms, which said mortgage deed is designed to secure, are hereby made valid and obligatory upon said company.

SECT. 4. This act shall take effect when approved. *Approved February 6, 1871.*

LAWS OF 1871, CHAP. 625.

An act additional to the charter of the Portland and Rochester Railroad Company authorizing the extension of its road in Portland.

P. & R. Railroad Co. authorized to extend their road.

Be it enacted, &c. SECT. 1. The Portland and Rochester Railroad Company are hereby authorized to extend their road from a point at or near their depot in Portland, thence

northeasterly across back cove to and crossing Washington street; thence easterly crossing the Grand Trunk Railway, and extending outside thereof to some place on Fish point, and to locate, construct, maintain and use the same.

Route.

SECT. 2. Said company shall have the same rights, privileges, powers and immunities, and be subject to all the duties and liabilities, respecting the location, construction, maintenance, use and management of that part of their railroad hereby authorized to be extended, that they had and have respecting their existing road.

Rights, privileges and liabilities.

SECT. 3. This act shall take effect when approved. *Approved February 15, 1871.*

LAWS OF 1872, CHAP. 21.

An act to legalize the proceedings of the stockholders of the Portland and Rochester Railroad Company.

Be it enacted, &c. SECT. 1. The votes and proceedings of the stockholders of the Portland and Rochester Railroad Company, at their special meeting which was held on the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-one, relating to the subscription by the company to the stock of the Nashua and Rochester Railroad Company, is hereby confirmed and made valid.

Certain doings made valid.

SECT. 2. The board of directors are hereby authorized to elect two additional directors from the stockholders, who shall serve until the next annual meeting of the company, which will be held on the first Wednesday of October, eighteen hundred and seventy-two.

Additional directors authorized.

SECT. 3. This act shall take effect when approved. *Approved January 29, 1872.*

LAWS OF 1872, CHAP. 80.

An act to regulate the sinking fund established by the Portland and Rochester Railroad Company.

Be it enacted, &c. SECT. 1. That so long as the Portland and Rochester Railroad Company continue to increase the sinking fund they have established, pursuant to the terms of

No action necessary by city of Portland under sect. 82, chap. 51, R. S.

the agreement made with and conditions fixed by the Portland, which provides for the payment of one per cent. annually for five years after all the bonds have been issued, and two per cent. annually thereafter, it shall be necessary for said city to take any action under section one and two of chapter fifty-one of the revised statutes.

SECT. 2. This act shall take effect when approved. *proved February 9, 1872.*

LAWS OF 1872, CHAP. 180.

An act to authorize the city of Portland to aid the construction of the western extensions of the Portland and Rochester Railroad

City of Portland authorized to aid in construction of Portland and Rochester Railroad.

Act not to take effect except by two-thirds vote of city.

Returns of votes how made.

Treasurer authorized to issue scrip of city.

Amount of.

Scrip, when payable.

Interest, rate of.

Bond of company and conditions of.

Be it enacted, &c. SECT. 1. The city of Portland is hereby authorized to loan its credit to the Portland and Rochester Railroad Company in aid of the construction, equipment and western extensions of their railroad, subject to the following terms and conditions.

SECT. 2. This act shall not take effect unless it shall be accepted by the directors of said railroad company, and by a majority vote of the inhabitants of said city, voting in ward meetings duly called according to law; and at least two-thirds of the votes cast at such ward meetings shall be necessary for the acceptance of the act. The returns of such ward meetings shall be made to the aldermen of the city, and by them confirmed and declared, and the city clerk shall make record thereof.

SECT. 3. Upon the acceptance of this act as aforesaid, the city treasurer is authorized to make and issue from time to time, for the purposes contemplated in this act, the scrip of said city, in convenient and suitable sums, to the amount of four hundred and fifty thousand dollars, payable to the bearer thereof on a term of time not less than twenty nor more than thirty years, with coupons for interest at six per cent. payable semi-annually or yearly as may be agreed, and to be applied to the construction, equipment, and western extensions of said road exclusively.

SECT. 4. Upon the delivery of each and every portion of the scrip aforesaid, the directors shall execute and deliver

city treasurer the bond of the company, in an equal amount, payable to the city, conditioned that the company shall duly pay the interest on said scrip, and will provide for reimbursement of the principal thereof and hold the city harmless on account of the issue of the same, according to the provisions of this act.

SECT. 5. The directors shall also transfer to the city upon delivery of any portion of the scrip aforesaid, an equal amount of the mortgage bonds of the company, dated September first, eighteen hundred and seventy-one, and secured by a mortgage deed of trust of the franchise and property of said road, bearing date November third, eighteen hundred and seventy-one, heretofore executed by the company and delivered to trustees for the benefit of the holder of said bonds.

Directors to transfer mortgage bonds of road to city.

SECT. 6. The directors shall also transfer to the city upon delivery of any portion of the scrip as aforesaid, an equal amount in the shares of the company, to be held as collateral security for the bond of the company required to be given in each case. And the shares so held as collateral shall be credited on the stock books of the company as fully paid up, and no assessments shall ever be required on the same, nor shall any dividends be paid thereon nor any right of acting or voting at the meetings of the company be claimed or exercised on account of said shares, so long as the same shall be held as collateral as aforesaid.

Directors to transfer to city shares of road equal in amount to scrip issued.

Shares as collateral credited on stock books as paid up.

No assessments or dividends paid on collateral shares.

SECT. 7. For the purpose of providing for the reimbursement of the principal of the scrip authorized to be issued by this act, there shall be established a sinking fund and commissioners shall be appointed to manage the same. One of said commissioners shall be appointed by the mayor and aldermen of the city and one by the directors of the company, and in case of a vacancy in the place of either the same shall be supplied by the mayor and aldermen or by the directors respectively. Both of said commissioners shall be appointed and qualified before the delivery to the directors of any of the scrip. The commissioners shall severally be sworn to the faithful discharge of the duties enjoined upon them by this act in the presence of the city clerk, who shall make a certificate

Sinking fund and commissioners.

Commissioners, how appointed.

Shall be sworn.

Bond of.

Compensation.

One per cent. of scrip to be paid into sinking fund.

One per cent. of scrip to be paid annually to city treasurer from income of road for five years.

After five years, one and half per cent. to be paid into city treasury.

Payments to be credited to sinking fund.

Moneys, &c., of sinking fund, to be in care of commissioners.

Moneys, &c., uninvested, to be in custody of city treasurer.

Moneys, &c., how paid out by treasurer.

Moneys may be invested.

and record thereof as in the case of the qualification of city officers. Each of the commissioners shall give a bond to the city with satisfactory sureties in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duty as commissioner. They shall receive such compensation as shall be established by the directors which shall be paid to them by the company.

SECT. 8. Whenever the directors shall receive any portion of the scrip authorized as aforesaid to be delivered to them, they shall pay to the city treasurer one per cent. of the amount of the scrip so delivered, which amount shall be placed by the city treasurer to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund. The directors shall also annually in the month of June, after all of said scrip has been delivered to them, pay to the city treasurer from the income of the road one per cent. of the whole amount of said scrip then outstanding, and shall continue to make these annual payments of one per cent. for five years, but after the expiration of five years the said annual payment from the income of said road shall be increased to one and a half per cent. of the amount of the scrip then outstanding, and these said annual payments of one per cent. for five years and of one and a half per cent. annually thereafter, shall be successively placed to the credit of the commissioners of the sinking fund, and shall constitute a part of said fund.

SECT. 9. The commissioners shall have the care and management of all the moneys and securities at any time belonging to said fund; but the moneys uninvested and the securities shall be in the custody of the city treasurer, who shall be by virtue of his office treasurer of the sinking fund, and shall be responsible on his official bond to the city for the safe keeping of the moneys and securities of said fund. He shall pay out and deliver any of said moneys or securities only upon the warrant of the commissioners.

SECT. 10. The commissioners shall from time to time at their discretion, invest the moneys on hand securely, so that they shall be productive, and the same may be loaned on mortgage of real estate or to any county or upon the pledge

securities or any county in this State, or invested in the
of the State or of any county in the State, or of the
Portland or of the United States. Any portion of said
may be invested in the city scrip authorized by this act,
h scrip shall not be thereby extinguished but shall be
the commissioners like their other investments for the
s of the fund. And the commissioners may from time
sell and transfer any of said securities.

May be invested
in city scrip.

Securities, &c.,
may be sold or
transferred.

11. The sinking fund and all the sums which shall be
hereto by accumulation upon the investments thereof
reserved and kept inviolate for the redemption and
sement of the principal of said scrip at the maturity
and shall be applied thereto by the commissioners.

Sinking fund to
be kept for
redemption of
principal of
scrip.

12. Any of the shares in the stock of the railroad
y held by the city as collateral may be sold and trans-
y direction of the commissioners of the sinking fund,
e consent of the directors of the railroad company,
er an exchange thereof can be advantageously made for
the city scrip authorized by this act, or whenever said
n be advantageously purchased with the proceeds of
h sale of such collateral shares. And the scrip so
ed or taken in exchange shall be thereupon cancelled
inguished, and the amount thereof shall be endorsed
respective bonds of the railroad company, given on the
d delivery of such scrip.

Stock held by
city may be
sold.

Scrip purchased
to be cancelled.

13. The commissioners shall keep a true record of all
roceedings and of all the moneys paid into said fund,
the investments made of the same, and shall annually
month of September report to the mayor and aldermen
he directors of the railroad company their proceedings
year, the amount and condition of the fund, and the
of the several parts thereof. And their records and
unts of the fund, and the securities belonging thereto,
all times be open to the inspection of such committee
be appointed for that purpose by the mayor and alder-
by the directors of the company.

Commissioners
to keep a true
record of pro-
ceedings, &c.

Records, &c.,
open to inspec-
tion of com-
mittee.

14. To secure the faithful discharge of the several
onfided to the said commissioners under this act, the

Commissioners
may be
removed in case
of failure to
perform their
trusts.

Vacancies, how
filled.

City treasurer
authorized to
issue scrip after
acceptance of
this act.

Act, when to
take effect in
part.

When to take
effect in whole.

Certain mort-
gage deed and
bonds of com-
pany made
valid.

supreme judicial court is hereby empowered upon the complaint of the mayor and aldermen, or of the directors of the railroad company, against the said commissioners or either of them concerning any of said trusts and duties, by summary process according to the course of proceedings in equity, to hear and adjudge upon the matter of such complaint, and to issue thereon any suitable writ or process and make any proper decree to compel the discharge and performance of such trusts and duties, and to remove the said commissioners or either of them ; and in case of such removal the vacancy shall be immediately supplied as provided in the seventh section of this act.

SECT. 15. The city treasurer is hereby authorized to issue and deliver to the directors of the railroad company the scrip of said city to the amount of one hundred thousand dollars immediately after the acceptance of this act by the city, and to issue and deliver the balance of the scrip authorized by this act, in such sums and at such times thereafter as the directors shall certify to be needed to complete the construction, equipment and western extensions of the road.

SECT. 16. This act shall take effect and be in force from and after its approval by the governor so far as to empower the directors of the railroad company and the inhabitants of the city to act upon the question of accepting the same, as provided in the second section of this act. And the several ward meetings of the inhabitants for that purpose shall be called and holden within one year after such approval. And if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force.

SECT. 17. The deed of mortgage and of trust, bearing date November third, eighteen hundred and seventy-one, made and executed by said Portland and Rochester Railroad Company to H. J. Libby and Frederick Fox, of Portland, and John A. Waterman, of Gorham, as trustees, and the bonds of the said company according to their terms which said mortgage deed is designed to secure, are hereby made valid and obligatory upon said company ; and all the acts and doings of the annual

meeting of the Portland and Rochester Railroad Company, held October, eighteen hundred seventy-one, be and are hereby made valid. *Approved February 29, 1872.*

ARTICLES OF AGREEMENT

Between the city of Portland and the Portland and Rochester Railroad Company.

THESE ARTICLES OF AGREEMENT, in and between the city of Portland, party of the first part, and the Portland and Rochester Railroad, party of the second part, entered into this eleventh day of September, A. D. eighteen hundred and seventy-four, *witness* :

First, That the party of the second part agrees to provide equipment for the Portland and Rochester Railroad required by the contract with the Ashua and Rochester Railroad : to pay the interest on the three hundred and fifty thousand dollars loan, and the interest on all bonds issued by the city, to meet the interest on its two loans to the road, and to pay when due said bonds and interest, which are to be six years, six per cent. coupon bonds.

Second, That the party of the second part agrees to keep up the present rolling stock by suitable repairs and replacement, and maintain it and the road bed of said railroad in at least as good order and condition as they now are, and to make all repairs and improvements which may be needed for any increase of business.

Third, That the party of the second part agree to pay over to the party of the first part, all the net earnings of the road which remain after the performance of the foregoing stipulations, to be applied to the payment of the interest on the city loans.

Fourth, That the party of the second part agrees to submit to the board of mayor and aldermen from time to time, or to any person or persons they may point, all books, records, papers and vouchers necessary to a full understanding of the company's expenditures, receipts and accounts, and conditions financially or otherwise.

Fifth, That the party of the second part agrees to perform all the foregoing stipulations to the satisfaction of the mayor and aldermen of the city of Portland.

Sixth, That the party of the first part agrees to allow the party of the second part to remain in possession of the road, and to manage the same for three years from July 1st, 1874 ; *provided, however*, that if the party of the second part shall at any time fail to perform all or any of the above stipula-

tions to the satisfaction of the mayor and aldermen, whose judgment thereon is hereby made final and conclusive on said company, then this contract and especially this sixth article shall be wholly void. And in such case nothing herein shall be construed as an extension of time on any mortgage to the city, nor prevent said city from thereupon taking immediate possession of said road by itself or through the trustees of the four hundred and fifty thousand dollars mortgage.

In witness whereof, the said city of Portland has caused these presents to be subscribed by George P. Wescott, the mayor of said city, and the seal of said city to be affixed, and the said Portland and Rochester Railroad Company have caused these presents to be signed by John Lynch, its president, and its corporate seal to be affixed, the day and year first above written.

GEORGE P. WESCOTT, Mayor. [L.S.]

Portland and Rochester Railroad Co.,

By JOHN LYNCH, President. [L.S.]

LAWS OF 1875, CHAP. 125.

An act additional to "an act establishing the Portland and Rochester Railroad Company."

Time for change of location extended three years.

Be it enacted, &c. SECT. 1. The time within which the change of the location of the track of the Portland and Rochester Railroad Company, between Cumberland Mills, in the town of Westbrook, and their depot in the city of Portland, is hereby extended for the term of three years from the first day of February next.

Change of route.

SECT. 2. The Portland and Rochester Railroad Company is hereby authorized to locate, construct, and finally keep in repair, one or more sets of rails, on a continuation of its line of railroad, beginning at a convenient point northeasterly of Deering's bridge, in the city of Portland, on the located line of the road between said bridge and the building now used for a depot, and thence continuing in a northeasterly direction to a point of connection with said located road at Wilcox street, or to some other point on what is known as the marginal way ; provided that nothing in the provisions of this bill shall give the Portland and Rochester Railroad Company any power to take and occupy any portion of what is called the

Not to take or occupy marginal way in Portland.

ginal way, without first obtaining the consent of the mayor and aldermen of the city of Portland ; and for these purposes said company shall have the right to purchase, or to take and hold so much of the land and other real estate of private persons and corporations as may be necessary for the alteration, location, construction and convenient operation of said road ; the width of land thus taken shall not be over sixty-six feet ; the location to be made on or before the first day of February, eighteen hundred and seventy-six, and under the authority hereby given, is to be subject to the provisions of law regulating the construction of railroads in this State, and the provisions of the charter of said railroad company, or of the York and Cumberland Railroad Company ; provided that any clause contained in the charter of the Portland and Rochester Railroad Company, or the York and Cumberland Railroad Company, exempting said company from taxation by the State, shall not extend to this act ; and in case the Portland and Rochester Railroad Company fails to locate as above, or fails to construct on or before January first, eighteen hundred and seventy-seven, than this section two shall be null and void.

May take and hold real estate of persons and corporations.

Location to be made before Feb. 1, 1876.

About taxation.

Act null and void, when.

SECT. 3. This act shall take effect when approved. *Approved February 17, 1875.*

THE PORTLAND, SACO AND PORTSMOUTH RAILROAD

ends from Portland to Portsmouth, N. H., fifty-two miles.

is the oldest road in the State, and is under contract of lease to the Northern Railroad for the term of nine hundred and ninety-nine years from the twenty-first day of January, A. D. 1871.

LAWS OF 1837, CHAP. 266.

Act to establish the Portland, Saco and Portsmouth Railroad Company.

Be it enacted, &c. SECT. 1. That Ether Shepley, Samuel Chelder, Josiah Calef, James B. Thornton, Joseph M. Yes, Jonathan King, John Fairfield, Jonathan Tucker,

Corporators.

Corporate
name.

General
powers.

May build a
road.

Route.

Amended 1841,
chap. 93; 1873,
chap. 388.

May take land.

Samuel Moody, John Spring, Seth S. Fairfield, John Chatwick, Edward S. Moulton, Henry S. Thatcher, Samuel Pierson, Rufus Nichols, Amos Chase, Isaac Emery, Samuel White, Ezra Dean, William P. Hooper, Thomas Cutts, Samuel Merrill, Jeremiah C. Stinson, Moses Bradbury, Samuel Hartley, John Condon, Jr., Jonathan Tucker, Jr., Frederick Green, George Scammon, Cotton Bradbury, Daniel Cleaves, William Lord, Thomas Lord, Luther Jewett, Timothy Frost, Ivory Lord, Barnabas Palmer, John Osborn, James Osborn, Jr., Charles Williams, Palmer Walker, Enoch Hardy, Alexander McIntire, Charles O. Emerson, Solomon Brooks, their associates, successors, and assigns, be and they are hereby made a body politic and corporate by the name of the Portland, Saco and Portsmouth Railroad Company, and by that name shall have all the powers, privileges, and immunities and be subject to all the duties and liabilities, provided and prescribed in an act passed on the sixteenth of February, eighteen hundred and thirty-six, entitled "an act concerning corporations" and an act defining certain rights and duties of railroad corporations passed the first of March, eighteen hundred and thirty-six, and shall be and hereby are invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a railroad with one or more set of rails, and tracks with all suitable bridges, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point or place in or near the city of Portland, through the towns of Scarborough, Saco, Kennebunk, Wells, York, Kittery, and the intermediate towns to the New Hampshire line, at such place as will best connect with the railroad to be constructed from Portsmouth to Boston. And for this purpose said corporation shall have the right to take and hold, as much of the land and other real estate of private persons as may be necessary for the location, construction, and convenient operation of their railroad; and they shall also have the right to take, remove and use for the construction

repair of said railroad and appurtenances, any earth, stone, timber, or other materials, on or from the land taken; *provided, however*, that said land so taken, shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation or embankment. *And provided, also*, that in all cases, said corporation shall pay for such lands, estate, or materials so taken and used, such compensation as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners, for the county where such land or other property may be situated, in the same manner and under the same conditions and limits, as are by law provided in the case of damages by reason of highways; and the land so taken by said corporation shall be held as lands taken and held for public uses. And no application to said commissioners to sustain said damages shall be sustained, unless made within two years from the time of taking such land or other property; or when it has already been taken, within one year from the time of passing this act; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impede said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this act.

Proviso.

Width.

Compensation,
how deter-
mined.

May remove
trees.

ART. 2. That the capital stock of said corporation shall be of not less than five thousand, nor more than twelve thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be the president of the

Capital.
Amended 1848,
chap. 139, and
1868, chap. 586.

Government.

Directors.

Quorum.

President.

board, who shall also be the president of the corporation shall have authority to choose a clerk who shall be the faithful discharge of his duty, and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than thirty dollars for the faithful discharge of his trust. And the purpose of receiving subscriptions to the said stock shall be opened under the direction of the persons named in the first section of this act, at such time and in such place as they shall appoint to remain open for ten successive days, of which time and place of opening public notice shall be given in some newspaper in Portland, Saco, Portsmouth, and Boston, twenty days at least previous to the opening such subscription, and the amount subscribed shall exceed twelve thousand dollars; the same shall be distributed among all the subscribers according to such regulations, as the persons having charge of the opening of the subscription books shall prescribe for the opening of said books. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation by giving notice in one or more newspapers published in the towns and places above named, of the time and place, and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

Sect. 3. That the president and directors for the time being are hereby authorized and empowered by themselves or by their agents, to exercise all the powers hercin granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold lands, materials, engines, cars, and other necessary things, in the name of the

Clerk.

Treasurer.

Bond.

Subscription
books.

Notice.

How distribut-
ed.

First meeting.

Powers of di-
rectors.

.47 Me., 588.

for the use of said road, and for the transportation of persons, goods and property, of all descriptions; to make equal assessments from time to time, on all the shares of said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and to have the same to be paid to the treasurer of the corporation.

Assessments.

And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed in the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as afore-mentioned, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale: *provided, however*, that no assessments shall be levied upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Notice of.

Shares may be sold.

Proviso.

ART. 4. That said corporation shall have power to make, amend, and establish, all necessary by-laws and regulations, consistent with the constitution and the laws of this State, for the government of their own government, and for the due and orderly conduct of their affairs, and the management of their property.

By-laws.

ART. 5. That a toll be, and hereby is granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said road; at such rate per mile, as may be fixed upon and established from time to time by the directors of said corporation. The transportation of persons and property—the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things relating to the use of said road shall be in conformity with the rules, regulations, and provisions as the directors shall

Toll.

Proviso.

Legislature
may reduce
toll.

Proviso.

Other railroads
may connect.

May erect toll
houses.

from time to time prescribe and direct: *Provided, however* that if at the expiration of twelve years from and after completion of said road, the net income or receipts from and other profits, taking the twelve years aforesaid as the basis of calculation, shall have amounted to more than twelve per cent. per annum, upon the cost of the road, and incidental expenses, the legislature may alter and reduce the rate of and other profits, so that the net income shall not be less than twelve per cent. for the next twelve years, calculating the amount of transportation on the road to be the same, as in the twelve preceding years, and at the expiration of every twelve years thereafter, the same proceedings may be had.

further provided, that the legislature shall not at any time so reduce the tolls and other profits, as to produce less than twelve per centum upon the cost of said railroad, taking the same basis of calculation as aforesaid, without the consent of said corporation. *And provided further*, that the legislature may instead of reducing said tolls and profits to twelve per cent. appropriate the surplus to the public schools of the State.

SECT. 6. That the legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points of intersection on the route of said railroad. And said corporation may receive and transport all persons, goods, and property, in any descriptions, which may be carried and transported, on the railroad of said corporation, on such other railroads as may hereafter be authorized to be connected therewith at the same rates of toll and freight, as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such railroads, so connected with said railroad as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers, &c., at any time or deposits of said corporation.

SECT. 7. That the directors of said corporation for the time being are hereby authorized to erect toll-houses, establish toll-gates, appoint toll-gatherers, and demand toll on the road when completed, and upon such parts thereof as shall hereafter be completed, from time to time be completed.

r. 8. That when said corporation shall take any land, or estate, as aforesaid, of any infant, person *non compos*, or feme covert, whose husband is under guardianship, or guardian of such infant, or person *non compos mentis*, and feme covert, with the guardian of her husband shall have power and authority to agree and settle with said corporation for damages, or claims for damages, by reason of taking and estate aforesaid, and give good and valid receipts and discharges therefor.

Guardians of non-compos mentis, &c., may settle claims.

r. 9. That if any person shall wilfully and maliciously, or only and contrary to law, obstruct the passage of any car on said railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging to, or any material or implements to be employed in the operation or for the use of said road, he, she or they, or person or persons assisting, aiding or abetting such trespass shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the court or jury before whom the trial shall be had, to be paid before any justice or in any court proper to try the same by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation. And such person or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding one hundred dollars to the use of the State, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom such conviction may be had.

Wilful injury, how punished.

r. 10. That the annual meeting of the members of said corporation shall be holden on the first Monday in June, at such time and place as the directors for the time being may appoint; at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they may deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual and special meetings.

Not to obstruct
private ways,
&c.

SECT. 11. That if the said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if the said railroad shall, in the course thereof, cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike, or other highway; and the said corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway, or private way.

Location to be
how filed.
Amended 1840,
chap. 14.

SECT. 12. That if the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the county through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-six, in either of the above mentioned cases, this act shall be null and void.

To maintain
bridges.

SECT. 13. That said railroad corporation shall constantly maintain in good repair all bridges with their abutments, and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

Bridges over
navigable
waters.

SECT. 14. That if said railroad shall in the course thereof cross any tide waters, navigable rivers, or streams, the said corporation be and they hereby are authorized and empowered to erect for the sole and exclusive travel on their said railroad, a bridge across each of said rivers or streams, or across any such tide waters: *provided*, said bridge or bridges shall be so constructed as not to obstruct or impede the navigation of said waters.

SECT. 15. That the books of said corporation shall at all

Books to be open to the inspection of the governor and council, of any committee duly authorized by the legislature; and at the expiration of every twelve years, the treasurer of said corporation shall make an exhibit under oath to the legislature of the net profits derived from the income of said railroad.

Books to be open for inspection.

SECT. 16. That an act entitled "an act concerning corporations" passed March seventeenth, in the year of our Lord, one thousand eight hundred and thirty-one, shall not extend to the company hereby incorporated.

Act of March 17, 1831, not to apply.

SECT. 17. That the said corporation shall at all times, when required by the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places as may be required on said road as required, for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same; and said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and to keep a sufficient number of suitable carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. *Approved March 14, 1837.*

To carry U. S. mails.

Compensation.

LAWS OF 1840, CHAP. 14.

An act to extend the time to locate and construct the Portland, Saco and Portsmouth Railroad.

Be it enacted, &c. That there shall be allowed four years more to do and perform each of the several acts and things required to be done by the twelfth section of the act entitled "an act to establish the Portland, Saco and Portsmouth Railroad Company," in addition to the several times therein provided to do and perform the same. *Approved February 1840.*

Time extended.

LAWS OF 1841, CHAP. 93.

An act additional to an act, entitled "an act to establish the Portland, Saco and Portsmouth Railroad Company."

Change of
location.

Be it enacted, &c. That the Portland, Saco and Portsmouth Railroad Company be, and they are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair, their said railroad, from some point or place in or near the city of Portland, through the towns of Scarborough, Saco, Kennebunk, Wells, York or South Berwick, Kittery, and the intermediate towns, to the New Hampshire, at such place as will best connect with the railroad constructed, or to be constructed, from Portsmouth to Boston, and that the first section of the act to which this is additional be, and the same hereby is, so amended accordingly: *provided, however*, that said road shall pass south of South Berwick village and Chadbourne's Hill, so called, in said town of South Berwick. *Approved February 17, 1841.*

LAWS OF 1848, CHAP. 139.

An act authorizing the Portland, Saco and Portsmouth Railroad Company to increase their capital stock, and for other purposes.

To increase
capital stock.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company are hereby authorized to increase their capital stock three thousand shares, not exceeding one hundred dollars a share.

To take stock
in other roads.

SECT. 2. The Portland, Saco and Portsmouth Railroad Company are hereby authorized and empowered to subscribe for, take and hold shares or stock to an amount not exceeding one hundred thousand dollars in any railroad or roads which are now incorporated and established by the laws of this State within the limits of the same. *Approved August 3, 1848.*

LAWS OF 1866, CHAP. 138.

An act in relation to the running of trains on the Portland, Saco and Portsmouth Railroad.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company, and enginemen in its service, are

be exempted from the duty of stopping regular passenger trains arriving on time at the point of crossing, upon said road, as required by the forty-eighth section of the fifty-first chapter of the revised statutes, when approaching the point at the south end of the depot of the Portland and Kennebec Railroad Company in Portland, where the track of the last named company, running to its freight house, intersects and crosses the track of the former; none of the penalties imposed by said forty-eighth section shall be incurred by said company or its servants, by omitting to stop such trains when approaching the point aforesaid; *provided*, that nothing herein contained shall be construed to confer on such trains any right of priority to the use of the way, over trains of the Portland and Kennebec Railroad Company.

Exemption from provisions of sec. 48, ch. 51, R. S.

SECT. 2. This act shall take effect when approved by the Governor. *Approved February 21, 1866.*

LAWS OF 1867, CHAP. 256.

act to authorize the Portland, Saco and Portsmouth Railroad Company to aid the construction of the European and North American Railway.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to subscribe to the capital stock of the European and North American Railway Company, or to the construction land bonds of said company, or in such other form as the two companies may agree, for an amount not exceeding five hundred thousand dollars. And said Portland, Saco and Portsmouth Railroad Company may increase its capital stock to such an amount as they may pay over to the European and North American Railway Company to aid the construction of its line, but not to exceed in all five hundred shares of capital stock in addition to that now authorized by law. And said Portland, Saco and Portsmouth Railroad Company may loan its bonds to the amount of five hundred thousand dollars to said European and North American

P. S. & P. R. R. may subscribe to stock of E. and N. A. R. Co.

Capital stock of former road increased.

Loan of bonds, limit and condition of same.

Railway Company, in lieu of a subscription to the stock bonds of said last named company, on such terms as the two corporations may agree upon by vote of the stockholders thereof respectively.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 12, 1867.*

LAWS OF 1868, CHAP. 586.

An act to increase the capital stock of the Portland, Saco and Portsmouth Railroad Company.

Capital in-
creased to
\$2,000,000.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to increase its capital stock, to the extent of five hundred thousand dollars, so that the whole capital stock of said company shall be two millions dollars, instead of the amount now established.

Stock, how
divided, and
shares, how
disposed of.

SECT. 2. The additional stock hereby created shall be divided into shares of one hundred dollars each, which shall be the established par value of the same; and in case the same are not taken by the stockholders in proportion to the amount of stock held by them severally, the said shares or stock may be disposed of by the directors, at not less than par value, as they may deem best for the interest of the corporation.

Conditions.

SECT. 3. This act shall be subject to all the privileges, liabilities and conditions of the original charter of said company.

SECT. 4. This act shall take effect when approved. *Approved February 27, 1868.*

LAWS OF 1869, CHAP. 116.

An act to allow the Portland, Saco and Portsmouth Railroad Company to take stock in the Portland, Bangor and Machias Steamboat Company.

Subscriptions
for stock,
authorized.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to subscribe for and take stock in the Portland, Bangor and Machias Steamboat Company, to an amount not exceeding thirty thousand dollars; *provided* the same shall be authorized by a meeting of the stockholders duly convened.

Proviso.

SECT. 2. This act shall take effect when approved. *Approved February 18, 1869.*

LAWS OF 1872, CHAP. 66.

An act to authorize the Portland, Saco and Portsmouth Railroad Company to construct a railroad from Kittery to Biddeford.

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to locate, construct, maintain and operate a railroad from some convenient point on its present line in the town of Kittery, through the towns of Kittery, York, Wells, Kennebunk and Kennebunkport, to some convenient point on its present line in the city of Biddeford, in the county of York, or to such point in said town of Kennebunkport, with the right to extend branches eastward towards the ocean; with all the rights, powers, privileges and immunities of similar railroad corporations under the laws of this State, and subject to like liabilities; *provided, however,* that nothing in this act shall authorize said company to discontinue or cease from operating their road from Kittery to Biddeford over the present line of its railroad.

Authorized to locate and construct railroad.

Route of.

Right to extend branches.

Powers, privileges and liabilities.

SECT. 2. Said corporation is authorized to increase its capital stock by a sum not exceeding fifteen hundred thousand dollars over and above the amount of its capital heretofore authorized, and to divide the same into shares, and issue stock for such amount as shall be found necessary for the purposes aforesaid.

Capital stock, authorized to increase.

SECT. 3. It shall be the duty of said corporation to make a survey of its main line of road within two years, and to construct the same within four years, and if it shall fail so to do this act shall be void, otherwise it shall remain in full force.

Road, when to be surveyed and constructed.

SECT. 4. This act shall take effect when approved. *Approved February 8, 1872.*

LAWS OF 1873, CHAP. 388.

An act additional to an act entitled "an act to establish the Portland, Saco and Portsmouth Railroad Company."

Be it enacted, &c. SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to extend, locate, construct and maintain its railroad from some conven-

Authorized to extend railroad.

Route.

Amended 1874,
ch. 523.Authorized to
take and hold
land.

Proviso.

Land or other
railroads not to
be taken.Not to obstruct
the rights of
other railroads.Not to increase
number of
tracks.Time allowed
for locating and
constructing
railroad.

ient point on its present line in Cape Elizabeth or Portland, so as to enable it to secure such suitable and convenient terminal facilities, and depot accommodations as it shall find to be necessary, in the city of Portland, as far as Union street in said city. And said company is authorized to take, acquire and hold such lands as may be necessary for said purposes; *provided, however*, that nothing herein contained shall authorize said railroad corporation to take the land of another railroad within the limits of their actual way location acquired by purchase or otherwise, or their necessary depot grounds, without the written consent of said companies, except in case of crossing said roads, and except as provided by the general laws of the State. And it is further provided, that said company shall not construct its roadway so as to prevent any railway company from having suitable and convenient access to the wharves, nor shall any track be laid across the wharves and docks in said city below the head of such docks or slips; and nothing herein shall authorize said company to increase the number of tracks now authorized by law upon any portion of the highway and county bridge, leading from Cape Elizabeth to said city of Portland, unless said company shall construct a suitable overhead bridge from some point on the Portland bridge to Brackett street, easterly of the Boston and Maine location, with a way for heavy teams to pass from Commercial street to said Portland bridge at grade, both to be acceptable to the county commissioners of Cumberland county.

SECT. 2. Said company is allowed three years in which to locate according to the terms herein contained, and the right to so locate is hereby limited to such a time.

SECT. 3. This act shall take effect when approved. *Approved February 27, 1873.*

LAWS OF 1874, CHAP. 523.

An act to amend chapter three hundred and eighty-eight of the private and special laws of eighteen hundred and seventy-three, relating to the rights of the Portland, Saco and Portsmouth Railroad Company.

Be it enacted, &c. SECT. 1. Section one of chapter three

PORTLAND, SACO AND PORTSMOUTH RAILROAD.

hundred and eighty-eight of the private and special laws of eighteen hundred and seventy-three is hereby amended by inserting after the word "Brackett" in the fourth line from the end of said section the words "or Clark," so that said section when amended shall read as follows :

Ch. 388,
laws 1873
amendm

"SECT. 1. The Portland, Saco and Portsmouth Railroad Company is hereby authorized to extend, locate, construct, and maintain its railroad from some convenient point on its present line in Cape Elizabeth or Portland, so as to enable it to secure such suitable and convenient terminal facilities, and depot accommodations, as it shall find to be necessary in the city of Portland, as far as Union street in said city, and said company is authorized to take, acquire and hold such lands as may be necessary for said purposes, *provided, however,* that nothing herein contained shall authorize said railroad corporation to take the land of another railroad within the limits of their actual way location acquired by purchase or otherwise, or their necessary depot grounds, without the written consent of said companies, except in case of crossing said roads, and except as provided by the general laws of the State; *and it is further provided,* that said company shall not construct its roadway so as to prevent any railway company from having suitable and convenient access to the wharves, nor shall any track be laid across the wharves and docks in said city, below the head of such docks or slips, and nothing herein shall authorize said company to increase the number of tracks now authorized by law upon any portion of the highway and county bridge, leading from Cape Elizabeth to said city of Portland, unless said company shall construct a suitable overhead bridge from some point on the Portland bridge to Brackett or Clark street, easterly of the Boston and Maine location, with a way for heavy teams to pass from Commercial street to said Portland bridge at grade, both to be acceptable to the county commissioners of Cumberland county."

Authori:
extend r

May tak
hold lar

Proviso.

Not to
access t
wharves
other r

Not to
number
tracks.

SECT. 2. This act shall take effect when approved. *Approved February 20, 1874.*

PORTSMOUTH, GREAT FALLS AND CONWAY RAILROAD.

This road commences at Brock's Crossing, upon the Portland, Saco and Portsmouth Railroad in South Berwick, and crosses the Boston and Maine at Salmon Falls into New Hampshire, and then recrosses the Salmon Falls river into the town of Sanford and thence after running about three-quarters of a mile crosses the river again into New Hampshire. Its entire length of track in the State is about four and one-quarter miles. It is under the management of the Eastern Railroad Company, and extends to North Conway, New Hampshire, seventy miles. It was chartered by the name of the Great Falls, and South Berwick Branch Railroad Company.

LAWS OF 1841, CHAP. 143.

An act to establish the Great Falls and South Berwick Branch Railroad Company.

Corporators.

Corporate name.

Subject to act of Feb 16, 1836, and act of March 1, 1837.

Powers and privileges of the corporation.

Be it enacted, &c. SECT. 1. That William A. Hayes, Charles N. Cogswell, Theodore F. Jewett, Thomas Jewett, John P. Lord, Richard Waldron, Thomas Goodwin, 2d, Charles E. Bartlett, Granville C. Wallingford, Hiram H. Hobbs, John Hubbard, John Goodwin, John Frost, James Goodwin, and their associates, successors, and assigns, be and they hereby are made a body politic and corporate by the name of the Great Falls and South Berwick Branch Railroad Company, and by that name shall have all the powers, privileges, and immunities, and be subject to all the duties and liabilities provided and prescribed in an act passed on the sixteenth of February, eighteen hundred and thirty-six, entitled "an act concerning corporations," and an act defining certain rights and duties of railroad corporations, passed the first of March, eighteen hundred and thirty-six, and shall be and hereby are invested with all the powers, privileges, and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said corporation are hereby authorized and empowered, to locate, construct, and finally complete, alter, and keep in repair, a railroad with one or more set of rails, or tracks.

all suitable bridges, viaducts, turnouts, culverts, drains, all other necessary appendages, from some point or place, near the line of the State of New Hampshire, at a point Great Falls, in the town of Berwick, through said Berwick and South Berwick, until it shall intersect the Portland, and Portsmouth Railroad, in said South Berwick. And for this purpose said corporation shall have the right to take and hold so much of the land, and other real estate of private persons, as may be convenient for the construction, location, and convenient operation of their railroad; and they shall have the right to take, remove, and use, for the construction and repair of said railroad and appurtenances, any earth, stone, gravel, timber, or other materials, on or from the land taken; *provided, however*, that said land shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation or embankment; and *provided*, that in all cases, said corporation shall pay for such lands, stone, or materials, so taken and used, such price as they and the owner, or respective owners thereof may mutually agree and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined, by the county commissioners for the county where such land, or other property may be situated, in the same manner, and under the same conditions and limitations, as are by law provided in the case of damages by cutting out highways; and the land so taken by said corporation shall be held as lands taken and held for public highways.

Route.

May take and hold real estate.

Road may be four rods wide

Proviso.

no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; or, when such land has already been taken, within one year from the time of passing this act; and in case such railroad shall pass through wood lands, or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down from their natural falling, might obstruct or impair such road, by paying a just compensation therefor, to be recovered in the same manner, as is provided for the recovery of damages in this act.

Application to commissioners to be within three years.

Right to fell trees.

SECT. 2. That the capital stock of said corporation shall consist of not less than one thousand nor more than three thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be the president of the corporation, and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation with sureties to the satisfaction of the directors in a sum not less than five thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time and in such places, in the county of York, in this State, and the counties of Strafford and Rockingham, in New Hampshire, and the city of Boston, in Massachusetts, and elsewhere, as they shall appoint, to remain open for ten successive days, of which time and place of subscription, public notice shall be given in some newspaper printed in Kennebunk, Portsmouth, and Boston, twenty days previous to the opening such subscription; and in case the amount subscribed shall exceed three thousand shares, the same shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books; and any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation by giving notice in one or more newspapers published in Kennebunk, Portsmouth, or Boston, of the time and place and purpose of such meeting, at least twenty days before the time mentioned in such notice.

SECT. 3. That the president and directors for the time being are hereby authorized and empowered, by themselves or their

● Capital stock.

Number of directors, and how chosen.

Quorum.

President.

Clerk.

Treasurer.

Subscription books, where opened.

First meeting, notice of.

Powers of officers.

its, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the service of the corporation for the use of said road and for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. If the treasurer shall give notice of all such assessments, and if any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of the corporation, the directors may order the treasurer to sell one share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars.

Assessments,
notice and
collection of.

Sale of shares.

SECT. 4. That said corporation shall have power to make, order, and establish all necessary by-laws and regulations consistent with the constitution and laws of this State for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws.

SECT. 5. That a toll be and hereby is granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or trans-

Toll.

Net income of company after twelve years, how disposed of.

When legislature may reduce rate of toll.

Surplus may be applied to public schools.

Connection with other roads.

ported upon said road, at such rate per mile as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct. *Provided, however,* that if at the expiration of twelve years from and after the completion of said road, the net income or receipts, from tolls and other profits, taking the twelve years aforesaid as the basis of calculation, shall have amounted to more than twelve per cent. per annum upon the cost of the road and incidental expenses, the legislature may alter and reduce the rate of tolls and other profits, so that the net income shall not exceed twelve per cent. for the next twelve years, calculating the amount of transportation on the road to be the same as in the twelve preceding years, and at the expiration of every twelve years thereafter, the same proceedings may be had. *And further provided,* that the legislature shall not, at any time, so reduce the tolls and other profits, as to produce less than twelve per centum upon the cost of said railroad, taking the basis of calculation as aforesaid, without the consent of said corporation. *And provided further,* that the legislature may, instead of reducing said tolls and profits to twelve per cent. appropriate the surplus to the public schools of the State.

SECT. 6. That the legislature may authorize any other company or companies, to connect any other railroad or railroads with the railroad of said corporation, at any points of intersection on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads so connected with said railroad as aforesaid, shall be

d the general rates of freight and toll on said railroad, red for freight and passengers, &c., at any of the deposits l corporation.

rt. 7. That the directors of said corporation, for the time , are hereby authorized to erect toll-houses, establish Toll-houses gates, &c. appoint toll-gatherers, and demand toll on the road, completed, and upon such parts thereof as shall from to time be completed.

rt. 8. That when said corporation shall take any land or estate as aforesaid, of any infant, person *non compos men-* Damages to taking esta person non compos me feme covert whose husband is under guardianship, the or feme cov how settled ian of such infan or person *non compos mentis*, and feme covert, with the guardian of her husband, shall have power and authority to agree and settle with said corpo for damages or claims for damages by reason of taking and and estate aforesaid, and give good and valid releases discharges therefor.

rt. 9. That if any person shall wilfully and maliciously, ntonly and contrary to law, obstruct the passage of any Malicious injury to. ge on said railroad, or in any way spoil, injure, or de- said railroad, or any part thereof, or anything belonging o, or any material or implements to be employed in the uction, or for the use of said road, he, she, or they, or erson or persons assisting, aiding, or abetting such tres- shall forfeit and pay to said corporation for every such e, treble such damages as shall be proved before the e, court, or jury, before whom the trial shall be had, to ed for before any justice or in any court proper to try the by the treasurer of the corporation, or other officer, t they may direct, to the use of said corporation. And offender or offenders, shall be liable to indictment by the Offenders, l punished. jury of the county within which the trespass shall have committed, for any offence or offences, contrary to the provisions; and upon conviction thereof before any court etent to try the same, shall pay a fine not exceeding one ed dollars, to the use of the State, or may be imprisoned term not exceeding one year, at the discretion of the before whom such conviction shall be had.

Annual
meeting.

Special meet-
ings.

Passage of
private ways,
canal or turn-
pike, or other
ways.

To be organized
by Dec. 31, 1842,
or this act to be
void.

Bridges to be
kept in good
repair.

SECT. 10. That the annual meeting of the members of said corporation shall be holden on the first Monday in May, at such time and place as the directors, for the time being, shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 11. That if said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall in the course thereof cross any canal, turnpike, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike or other highway; and the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way.

SECT. 12. That if the said corporation shall not have been organized, and the location according to the actual survey of the route, filed with the county commissioners of the county of York, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-two, or if said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-four, in either of the above mentioned cases, this act shall be null and void.

SECT. 13. That said railroad corporation shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway, or private way, or for conducting such private way or turnpike over said railroad.

SECT. 14. That if said railroad shall in the course thereof,

any tide waters, navigable rivers, or streams, the said corporation be, and they are hereby authorized and empowered to, for the sole and exclusive travel on said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *provided*, that such bridge or bridges shall be so constructed as not to obstruct or impede the navigation of said rivers.

Crossing of tide waters, &c., how regulated.

ACT. 15. That the books of said corporation shall, at all times, be open to the inspection of the governor and council, or of any committee duly authorized by the legislature; and at the expiration of every twelve years, the treasurer of said corporation shall make an exhibit, under oath, to the legislature of the net profits derived from the income of said railroad.

Books to be open to inspection of governor and council, &c.

ACT. 16. That an act entitled an act concerning corporations, passed March seventeenth, in the year of our Lord one thousand eight hundred and thirty-one shall not extend or apply to the company hereby incorporated.

Act of March 17, 1831, not to apply.

ACT. 17. That the said corporation shall, at all times, be holden when the postmaster general shall require it, to transport the mail of the United States from and to such place or places on said road as required, for a fair and reasonable compensation.

Company to carry U. S. mail.

In case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And said corporation, after they shall commence the receiving of mail, shall be bound, at all times, to have said railroad in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor, shall be paid or tendered; and a lien is hereby created on all articles transported, for said tolls.

ACT. 18. That said corporation be, and they are hereby authorized and empowered to lease a part, or the entire right, of use of their road by locomotive engines, cars, carriages, or other vehicles, to any railroad corporation established by this act, and upon such terms as they deem proper, who are hereby authorized to hire the same. *Approved March 31,*

Company may lease to other roads.

LAWS OF 1848, CHAP. 102.

An act to revive and establish the Great Falls and South Berwick Branch Railroad Company.

Charter
revived.

Survey to be
filed Jan. 1,
1856.

Amended 1853,
chap. 186.

Be it enacted, &c. That an act entitled "an act to establish the Great Falls and South Berwick Branch Railroad Company," approved the thirty-first day of March, in the year of our Lord one thousand eight hundred and forty-one, be and the same is hereby revived, and said act shall hereafter be of the same force, authority and effect as if the same had been enacted by this legislature; *provided*, said corporation shall be organized, and the location according to the actual survey of the route shall be filed with the county commissioners of the county of York, on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty; and said railroad shall be completed on or before the first day of July in the year of our Lord one thousand eight hundred and fifty-two. *Approved June 8, 1848.*

LAWS OF 1848, CHAP. 103.

An act to unite the Great Falls and South Berwick Branch Railroad Company, in Maine, with the Great Falls and Conway Railroad Company in New Hampshire.

May unite with
Great Falls R.
R. Co. in N. H.

Great Falls &
S. B. B. R. R.
Co. and the
Great Falls and
Conway R. R.
Co. united by
name of P. G.
F. & C. R. R.

Be it enacted, &c. SECT. 1. That the stockholders of the Great Falls and South Berwick Branch Railroad Corporation, in Maine, are hereby constituted stockholders of the Great Falls and Conway Railroad Company, a body corporate and politic, duly constituted and existing under the laws of the State of New Hampshire; and the stockholders of the said Great Falls and Conway Railroad Company in New Hampshire, are hereby constituted stockholders of the said Great Falls and South Berwick Branch Railroad Corporation in Maine; and the said two corporations are hereby made one corporation by the name of the Portsmouth, Great Falls, and Conway Railroad Company, and all the franchises, property, powers, and privileges granted or acquired under the authority of said States respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or

ment of property held by them respectively in either or
of said corporations.

ECT. 2. One or more of the directors of said Portsmouth,
at Falls, and Conway Railroad, shall at all times be an
abitant of this State, on whom process against said company
r be legally served; and the said company shall be held
answer in the jurisdiction where the service is made and
process is returnable.

One director
an inhabitant
of Maine.

ECT. 3. The said company and the stockholders therein,
far as their road is situated in Maine, shall be subject to all
duties and liabilities of the Great Falls and South Berwick
Branch Railroad Corporation and the general laws of this
State regulating corporations.

Liabilities of
stockholders

ECT. 4. This act shall not take effect until the same, and
an act of the legislature of New Hampshire authorizing
union of said corporations, shall have been accepted by the
stockholders of said two corporations respectively at legal
meetings called for that purpose. *Approved June 15, 1848.*

Act when to
take effect.

LAWS OF 1848, CHAP. 172.

an act in addition to "an act to establish the Great Falls and South
Berwick Branch Railroad Company."

Be it enacted, &c. SECT. 1. That the said Great Falls and
South Berwick Branch Railroad Company are hereby author-
ized to extend, locate, construct and complete their railroad to
any point of the State of New Hampshire, at such point in the
towns of Berwick or South Berwick, as the directors of said
corporation shall decide will be most for the interest of their
stockholders, and most convenient to the public; and the said
corporation are hereby further authorized to locate, extend,
construct, and complete their railroad through the towns of
Portsmouth and Kittery, to the boundary line of the State of New
Hampshire, near the Portsmouth bridge, if in the opinion of
the directors of said corporation the interest of their stock-
holders and the public good will be promoted thereby. *Ap-
proved, August 10, 1848.*

Extension of
route autho-
rized.

LAWS OF 1851, CHAP. 436.

An act to extend the time for filing the location and the time for completing the railroad of the Great Falls and South Berwick Branch Railroad Company.

Extension of time to file location, also to complete the road.

Be it enacted, &c. SECT. 1. The time for filing with the county commissioner of the county of York, the location of the route for the railroad of the Great Falls and South Berwick Branch Railroad Company is hereby extended to the first day of January, in the year of our Lord one thousand eight hundred and fifty-two; and the time for completing said railroad is hereby extended to the first day of January in the year of our Lord eighteen hundred and fifty-four, and the location and completion of said railroad within the periods above limited shall have the same force and effect as if the same had been done within the periods limited in the charter of said corporation, or in the amendments and additions thereto.

Act, when to take effect.

SECT. 2. This act shall take effect and be in force from the time of its passage. *Approved June 3, 1851.*

LAWS OF 1852, CHAP. 498.

An act relating to the Great Falls and Conway Railroad.

Privilege to cross into the State of Maine.

Distance limited.

May hold property.

Be it enacted, &c. SECT. 1. The Great Falls and Conway Railroad, a corporation established and existing by force of the laws of the State of New Hampshire, be and they hereby are authorized and empowered to cross with their railroad, the Salmon Falls river, from Milton, in said State of New Hampshire near the outlet of the "three ponds" so called, into Lebanon, in this State, and thence to pass through said Lebanon a distance not exceeding three thousand feet and recross said Salmon Falls river into said Milton and they are hereby further authorized and empowered to take, purchase and hold so much real estate in said Lebanon for a depot and for the track of said railroad, as they may deem necessary for these purposes.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved March 4, 1852.*

LAWS OF 1853, CHAP. 186.—[EXTRA SESSION.]

Act in amendment of an act entitled "an act to extend the time of filing the location and the time for completing the railroad of the Great Falls and South Berwick Branch Railroad Company."

Be it enacted, &c. SECT. 1. The time for filing the location of said railroad with the county commissioners of the County of York, is hereby extended to the first day of January, eighteen hundred and fifty-five; and said company is hereby authorized to file a new location thereof; and the time for completing said railroad is extended to the first day of January, eighteen hundred and fifty-six.

Time for filing location.

Time for completing road.

SECT. 2. All acts and parts of acts inconsistent with the provisions of said first section, are hereby repealed.

Inconsistent acts repealed.

SECT. 3. This act shall take effect and be in force from the date of its passage. *Approved September 23, 1853.*

LAWS OF 1866, CHAP. 64.

Act to enable the Portsmouth, Great Falls and Conway Railroad, to exercise the powers and to become subject to the duties of other railroads in this State.

Be it enacted, &c. That the Portsmouth, Great Falls and Conway Railroad, a corporation organized under the laws of New Hampshire, having purchased the track and all the property and franchises of the Great Falls and South Berwick Branch Railroad, and of the Great Falls and Conway Railroad, in so far as their track so purchased lies in this State, be, and they are authorized to exercise all the rights, powers and privileges and made subject to all the duties of other railroad corporations in this State; and the said purchase of said franchises and property is hereby approved. *Approved February 18, 1866.*

Purchase of property and franchises of certain railroads made valid, and powers and duties of same transferred.

THE SOMERSET RAILROAD COMPANY

Is open from West Waterville to Madison and the cars are running to the latter place.

LAWS OF 1860, CHAP. 465.

An act to incorporate the Somerset Railroad Company.

Be it enacted, &c. SECT. 1. George C. Getchell, William R. Flint, Franklin Smith, S. W. Hapgood, Bradbury T. Dinsmore, O. R. Batchelder, Edmund Coolidge, Thaddeus Boothby, Edgar Hilton, Benjamin Hilton, Jonas M. Hilton, Nathan Wood, Nathan Weston, Rufus Bixby, John S. Abbott, Dennis Moore, David Danforth, Edmund Rowe, Stephen D. Lindsey, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Somerset Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined; and to prevent all invasions thereof or interruptions in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter, keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the county of Somerset, at or near Carratunk falls, on either side of the Kennebec river; thence down the valley of the Kennebec river through either of the towns adjacent to said river, passing through the villages in the towns of Anson and Norridgewock, and through Fairfield to the town of Waterville, in the county of Kennebec, with the right to connect with the Androscoggin and Kennebec or Somerset and Kennebec Railroads in the town of Waterville. And said corporation shall

Corporators.

Corporate name.

General powers and duties.

Authorized to locate and construct railroad.

Location.

Amended 1871, chap. 703; and 1874, chap. 487 and 534.

be and hereby are invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth. And for this purpose said corporation shall have the right to purchase or, to take and hold, so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction, and convenient operation of said railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; *provided, however*, that said land so taken, shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment. *And provided, also*, that in all cases, said corporation shall pay for such lands, estate, or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners, for the county where such land or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the case of damages by the laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have a right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

Powers, privileges, &c.

May hold real estate.

Proviso.

Further proviso.

Prices of materials, &c., how determined.

Application for damages, when made.

Right to fell and remove trees.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand, nor more than six thou-

Capital stock.

61 Me. 384.
Amended 1869,
chap. 175; and
1874, chap. 487.

Government to
be vested in a
board of
directors.

President.

Clerk.

Treasurer.

Books to be
opened for
subscription to
stock, &c.

Notice, how
given.

First meeting,
how called.

Lands taken
from persons
under guar-
dianship, &c.,
damages, how
adjusted.

sand shares; and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven or thirteen directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be president of the corporation; and shall have authority to choose a clerk who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the towns of Solon, Anson, Madison and Norridgewock, and elsewhere as they shall appoint to remain open for five successive days, at least, of which time and place of subscription public notice shall be given in one or more of the newspapers printed in the county of Somerset, ten days before the opening of such subscription. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation for the choice of directors and organization, by giving notice in one or more newspapers published as above named, of the time and place, and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

SECT. 3. When said corporation shall take any land, or other estate, as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and such feme covert, with the guardian of her husband shall have full power and authority to agree and settle with said corporation, for damages, or claims for damages, by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

SECT. 4. The president and directors for the time being,

SOMERSET RAILROAD COMPANY.

are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such powers and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said road, and for the transportation of persons, goods and property, of all descriptions; to make such equal assessment from time to time, on all the shares in said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale: *provided, however*, that no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Presid
direct
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duties

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Provi

SECT. 5. A toll is hereby granted and established, for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and pro-

Toll.

Transportation,
construction,
&c.

perty—the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations, and provisions as the directors shall from time to time prescribe and direct. .

Connection
with other
roads, &c.

—transporta-
tion of persons,
goods, &c.,
from other
roads.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And said corporation shall receive and transport all persons, goods, and property, of all descriptions, which may be carried and transported, to the railroad of said corporation, on such other railroads as may be hereafter authorized to be connected therewith at the same rates of toll and freight, as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other railroads, so connected with said road as aforesaid, shall not exceed the general rates of freight and toll on said railroad received for freight and passengers, at any of the deposits of said corporation.

Private ways,
crossing of.

—canals, turn-
pikes, &c.,
crossing of.

SECT. 7. If said railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way; and if said railroad shall, in the course thereof, cross any canal, railroad, or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use of such canal or highway; and the said corporation shall have power to raise or lower such highway or private way, so that the said railroad, if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said railroad, highway, or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Fences.

SECT. 8. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands, or lands that may be hereafter improved.

SECT. 9. The said corporation shall at all times when the postmaster general shall require it, be holden to transport the mail of the United States, from and to such place or places on said road as may be required for a fair and reasonable compensation. And in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the State shall determine the same. And said corporation after they shall commence the receiving tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, cargoes and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered; and a lien is hereby created on all articles transported for said tolls. And said corporation fulfilling on its part all and singular, the several obligations and duties by this section imposed and enjoined upon it, shall not be held bound to allow any engine, locomotive, cars, carriages or other vehicles for the transportation of persons or merchandise to pass over said railroad, other than its own furnished and provided for that purpose as herein enjoined and required; *provided, however*, that said corporation shall be under obligations to transport over said road the passenger and other cars of any other incorporated company that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the third and sixth sections of this act as to rates of toll and all other particulars enumerated in said sections.

Mail, transportation of.

In case of disagreement, how determined.

Duty and obligation of company to keep road in repair, &c.

Lien for tolls.

Not bound to allow any engine, &c., other than their own to pass over said railroad.

Proviso.

SECT. 10. If any person shall wilfully and maliciously, or intentionally and contrary to law, obstruct the passage of any cargoes on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of or for the use of said road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be

Malicious mischief, trespass, &c.

Forfeitures, penalty, &c.

sued for before any justice or in any court proper to same, by the treasurer of the corporation, or other officer they may direct, to the use of said corporation. An offender or offenders shall be liable to indictment grand jury of the county within which trespass shall have been committed, for any offence or offences contrary above provisions; and upon conviction thereof before any competent court to try the same, shall pay a fine not exceeding one hundred dollars to the use of the State, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Account of disbursements, &c., how kept.

SECT. 11. Said corporation shall keep in a book for the purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council, and of any committee duly authorized by the legislature; and at the expiration of every year the treasurer of said corporation shall make an exhibit under oath to the legislature of the profits derived from the income of said railroad.

Annual exhibit.

Real estate, how and when taxable.

SECT. 12. All real estate purchased by said corporation for the use of the same under the fourth section of this act shall be taxable to said corporation by the several cities, towns and plantations in which said land lies in the same manner as land owned by private persons and shall in the valuation be estimated the same as other adjacent lands of the same city, town or plantation and not otherwise, and all shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners in the places where they reside and have their homes. Whenever the net income of said corporation shall amount to ten per cent. per annum upon the cost of the road and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature and after which time one moiety or such other portion as the legislature may from time to time determine of the net income of said railroad accruing thereafter over and above ten per cent. per annum first to be paid to the stockholders shall annually be paid over to the treasurer of said corporation.

Shares shall be deemed personal estate, &c.

Net income over ten per cent, how disposed of, &c.

in the treasury of the State for the use of the State; and the State may have and maintain an action against said corporation therefor to recover the same; but no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

SECT. 13. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or on such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Annual
meeting.

Directors, how
chosen.

Special
meetings.

SECT. 14. If the said corporation shall not have been organized, and the location according to actual survey of the route filed with the county commissioners of the counties through which the same shall pass, on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-five, or if the said corporation shall fail to complete said railroad to Anson, on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-nine, in either of the above mentioned cases, this act shall be null and void. *Approved March 19, 1860.*

Organization,
time of limited
Amended 1866,
chap. 86; 1868,
chap. 544; 1871,
chap. 703.

Railroad,
completion of
limited.

LAWS OF 1866, CHAP. 86.

act to extend the provisions of an act entitled "an act to incorporate the Somerset Railroad Company," approved March nineteenth, in the year eighteen hundred and sixty.

Be it enacted, &c. The provisions of an act of the legislature of Maine, approved March nineteenth, in the year eighteen hundred and sixty, entitled "an act to incorporate the Somerset Railroad Company," are hereby revived, renewed and extended, so that said company may avail themselves of said act; *provided* the said corporation shall have been organized, and the location according to actual survey filed, as stipulated in said act, on or before the first day of March, in the

Chap. 465,
special laws
1860, revived,
&c.
Amended 1868,
chap. 544.

Proviso.

year eighteen hundred and seventy, and said road com to Anson village on or before the first day of March, year eighteen hundred and seventy-two. *Approved January 15, 1866.*

LAWS OF 1868, CHAP. 544.

An act to amend chapter eighty-six of the private and special laws of eighteen hundred and sixty-six, relating to Somerset Railroad Company.

Amendment.
Additional,
1869, chap. 113.

Be it enacted, &c. SECT. 1. Chapter eighty-six of the private and special laws of eighteen hundred and sixty-six, hereby amended, by striking out the words "to Anson village" so that said chapter shall read as follows:

Provisions of
former act re-
newed, &c.

"The provisions of an act of the legislature of Maine, approved March nineteenth, in the year eighteen hundred and sixty-six, entitled an act to incorporate the Somerset Railroad Company, are hereby revived, renewed and extended, so that said company may avail themselves of said act; *provided* that said corporation shall have been organized, and the location of said road according to actual survey, filed, as stipulated in said act, on or before the first day of March, in the year eighteen hundred and seventy, and said road completed to Carratunk Falls on or before the first day of March, in the year eighteen hundred and seventy-two.

Proviso.

Corporation
may convey
rights, fran-
chise and prop-
erty to any
other railroad.

SECT. 2. This corporation is hereby authorized, by a majority vote of its stockholders at a legal meeting, to lease and transfer to any other railroad corporation in this State all its rights, privileges and franchises, and all property, real, personal and mixed, acquired by virtue of the act of incorporation of said company, or any act amendatory thereof. Any such railroad company is hereby authorized to take, by lease or purchase, the rights, franchises and property of said Somerset Railroad Corporation, and may enter into any contract for operating the line of said railroad corporation, and to subscribe to the stock of said Somerset Railroad Company. *Approved February 20, 1868.*

Other railroad
corporations
authorized to
assume same.

LAWS OF 1869, CHAP. 113.

in addition to chapter five hundred and forty-four of the private special laws of eighteen hundred and sixty-eight, in relation to the Somerset Railroad Company.

As it enacted, &c. SECT. 1. The Maine Central Railroad Company, by vote of its directors, is hereby authorized to subscribe to the capital stock of the Somerset Railroad Company, any subscription by said Maine Central Railroad Company of stock, made in pursuance of any existing votes of the directors, shall be valid and binding; *provided*, such votes of directors shall be ratified and confirmed by the stockholders of said company, at a legal meeting thereof.

Subscription to capital stock of Somerset Railroad authorized and made valid.

SECT. 2. This act shall take effect when approved. *Approved February 18, 1869.*

LAWS OF 1869, CHAP. 175.

to increase the capital stock of the Somerset Railroad Company.

As it enacted, &c. SECT. 1. The charter of the Somerset Railroad Company is hereby amended, so that the capital of said corporation shall consist of not less than one thousand and nor more than ten thousand shares.

Capital stock to consist of not less than 1,000, nor more than 10,000 shares.

SECT. 2. This act shall take effect when approved. *Approved February 26, 1869.*

LAWS OF 1870, CHAP. 480.

authorizing the town of Concord to aid in the construction of the Somerset Railroad.

As it enacted, &c. SECT. 1. The town of Concord, at any meeting duly notified and held for that purpose, may by tax or loan a sum of money not exceeding ten thousand dollars, to aid in the construction of the Somerset Railroad in such manner as they shall deem proper, provided that a majority of the legal voters present and voting at such meeting shall vote therefor.

May raise money to aid in construction of Somerset Railroad.

SECT. 2. The town of Concord may make such contract with the Somerset Railroad Company for the purposes named

Town authorized to contract with company for.

in the preceding section as they may think necessary may raise money by tax or loan to carry the same into not exceeding the amount stated in the preceding section

SECT. 3. The town of Concord shall raise in each year mencing the third year after a loan shall be effected, the money be raised by loan, a sum not less than three per cent. of the amount of such loan, to be applied to the redemption of the principal of such loan, in addition to the interest unless the same shall be satisfactorily provided for in any other way.

SECT. 4. The selectmen of the town of Concord are authorized to vote upon the stock held by said town, at all meetings of said railroad corporation, or appoint an agent for that purpose, by writing, under their hands.

SECT. 5. This act shall take effect when approved *proved March 17, 1870.*

LAWS OF 1871, CHAP. 703.

An act to authorize the extension of the Somerset Railroad to Bingham village, and for the completion of the same to Carratunk falls.

Be it enacted, &c. SECT. 1. The Somerset Railroad Company is hereby authorized to locate and extend its road from its present northern terminus, on either side of Keegan river, to Bingham village.

SECT. 2. A further time of three years, in addition to the time now limited by law, is hereby allowed for the completion of the Somerset Railroad to Carratunk falls.

SECT. 3. This act shall take effect when approved *proved February 24, 1871.*

LAWS OF 1874, CHAP. 487.

An act for the extension of the Somerset Railroad.

Be it enacted, &c. SECT. 1. The Somerset Railroad corporation existing under authority of law, is hereby authorized to locate and extend its railroad from its present northern terminus in Bingham, northerly by the most feasible route through the town of Moscow and plantations to Canaan.

Three per cent. of amount of loan shall be raised each year and paid on debt.

Selectmen authorized to vote upon stock held by said town.

Som. Railroad Co. authorized to locate and extend its road to Bingham.

Three years' additional time allowed to complete road.

Authorized to extend railroad.

Route and connection.

connect with the Levis and Kennebec railroad, and construct, maintain and operate such extended road, with all the rights, powers, privileges and immunities in respect thereto similar railroad corporations under the general laws of this State and subject to like liabilities and duties.

Rights, privileges and immunities.

SECT. 2. Said corporation is authorized to increase its capital stock by a sum not exceeding one million five hundred thousand dollars over and above the amount of its capital heretofore authorized, and to divide the same into shares and issue its stock for such amount thereof as shall be found necessary to construct said extended road.

Capital stock, authorized to increase.

Shares.

SECT. 3. It shall be the duty of said corporation to make a survey of the line of said extended road within three years, and to complete the same so that cars can run thereon within seven years, and if it shall fail to do either within the time thus designated, this act shall become void.

Survey of line of road, time of, limited.

SECT. 4. This act shall take effect when approved. *Approved February 17, 1874.*

LAWS OF 1874, CHAP. 534.

act authorizing the Somerset Railroad Company to build a branch to
Dodlin Granite Quarry.

Be it enacted, &c. SECT. 1. The Somerset Railroad Company is authorized to locate, build and operate a branch line from some point, on the line of its railroad in Norridgewock to the Dodlin granite quarry in said town, with the same rights and privileges, and subject to the same duties and obligations as are conferred and imposed on them respecting their existing road.

Authorized to locate and build branch lines.

Rights, privileges and duties.

SECT. 2. This act shall take effect when approved. *Approved February 20, 1874.*

ST. CROIX AND PENOBSCOT RAILROAD.

This road is a merger of the Calais and Baring, and of the Lewy's Island railroads into one organization, under a new charter. It extends from Calais to Princeton, twenty-two miles.

The Calais Railway Company was organized under the act of 1835, and a horse railroad built from Calais to Milltown. In 1849, the name was changed to Calais and Baring Railway Company and the road extended to Baring, and run by steam power in 1852.

The Lewy's Island Railroad was chartered in 1854, and opened to the public in the spring of 1856. The road was mortgaged to the city of Calais for \$150,000, to secure the Calais bonds. The bond holders took the road in 1862, and run it until 1870, when the bond holders conveyed their interest to the St. Croix and Penobscot Railroad Company. This deed is recorded in Washington County Registry of Deeds, book 126, page 381. The first mortgage is recorded in book 87, page 136. The mortgage to S. T. King *et als.*, trustees of second mortgage bondholders is recorded in book 88, page 366. Both mortgages have been foreclosed. In 1874, the Calais and Baring Railway Company was changed to St. Croix and Penobscot Railroad Company.

LAWS OF 1832, CHAP. 238.

An act to incorporate the Calais Railway Company.

Corporators.
Amended 1835,
chap. 550.

Name.
Amended 1838,
chap. 409; 1849,
chap. 238.

Route.
Amended 1849,
chap. 238; 1852,
chap. 587; 1870,
chap. 363; 1873,
chap. 324.
30 Me.. 496.

Be it enacted, &c. SECT. 1. That William DeLesdernier, Jones Dyer, Joseph Whitney, George Downes, and Otis L. Bridges, with their associates, be and they hereby are created a corporation by the name of the Calais Railway Company, and shall so continue for the term of thirty years from the passage of this act, for the purpose of erecting, repairing, and maintaining, for the transportation of goods, lumber, and other articles, a railway within the town of Calais, in the county of Washington, from the still water, at Milltown, so called, to the place of shipping lumber on the St. Croix River, and by the name aforesaid may sue and be sued, and may have a common seal, and change the same at pleasure, and may make by-laws for the management of their concerns, not repugnant to the laws of the State, and have all other powers incident to corporations. ["Thirty years" repealed, 1849, chap. 238.]

- ECT. 2. That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and at all meetings of said corporation, each proprietor shall be entitled as many votes as he may hold shares; but no proprietor shall be entitled to more than ten votes.
- ECT. 3. That the stockholders of said corporation may annually, on the first Monday of May, choose a board of five directors, and all other officers, which they may deem necessary.
- ECT. 4. That said corporation may take and hold by gift, purchase, bargain and sale, or by lease, any estate real or personal to an amount not exceeding fifty thousand dollars in value, and the same or any part thereof may sell and convey at pleasure.
- ECT. 5. That for the transportation of articles upon said railway the said corporation are hereby authorized to demand and receive from the owners thereof, a toll not exceeding the following rates, viz., for transporting the whole distance of said railway, a cord of wood fifty cents, clapboards per thousand fifty cents, pine shingles per thousand ten cents, cedar shingles in bundles, twenty cents per thousand, laths eight cents per thousand, tons of timber, twenty cents per ton, boards and plank per thousand feet board measure fifty cents, staves eight cents per thousand to be added, if the company pile lumber, hogsheads twenty-five cents each, barrels eight cents each, bags containing two bushels of salt, grain, or other articles, six cents each, bales of dry goods of common weight twenty cents each, logs transported from still-water to Union or the Lafayette Mills, thirty-seven cents per thousand feet board measure; *provided*, that after the expiration of ten years from the passage of this act, the above rates shall be subject to further regulation by the legislature.
- ECT. 6. That said corporation shall constantly, from and after the time when they commence the taking of toll for transporting any of the articles aforesaid, have and maintain in good repair and fit for use, a good and convenient [rail] road, constructed of suitable materials; and provide fit vehicles and carriages, with all necessary apparatus for the safe

Capital stock.
Amended 1852,
chap. 587; 1870,
chap. 363.

Five directors,
and other
officers.

May take prop-
erty.
Amended 1849,
chap. 238; 1870,
chap. 363; 1873,
chap. 324.

Toll.
Amended 1837,
chap. 373; 1849,
chap. 238; 1852,
chap. 587.

To provide
road.

and speedy conveyance of all such articles as they may be required to transport upon said railway ; and shall be held obliged to take charge of and convey the same according to the toll therefor having been first paid or tendered.

Not to obstruct
any other road.

SECT. 7. That the powers granted by this act shall not be so construed as to permit said corporation, by their railway aforesaid to obstruct any existing public road, or to impede travellers from passing thereon with ease, safety, and convenience, or to preclude the town or county, in which said way may be, from locating and establishing any highway, town, or private way wherever they may judge the same to be of common convenience and necessity.

First meeting.

SECT. 8. That William DeLesdernier may call the first meeting of said corporation, by posting up notifications of the time and place thereof in two public places in said town of Calais, ten days prior to the time of said meeting.

To be completed in three
years.

SECT. 9. That unless said railway be completed within three years from the passing of this act, then this grant shall be void.

SECT. 10. That the powers granted by this act shall not be annulled by the legislature. *Approved February 17, 1835.*

LAWS OF 1835, CHAP. 550.

An act additional to an "act to incorporate the Calais Railway Company."

To be completed Feb. 17,
1835.
Amended 1835,
chap. 550; 1837,
chap. 373, sect.
5; 1838, chap.
409; 1852, chap.
597.

Be it enacted, &c. SECT. 1. That there be and hereby is granted to the proprietors of the Calais Railway Company, a further extension of time, in which to make and complete said railway, of three years from and after the time limited for that purpose in the charter of said corporation, and that said act be, and the same is hereby revived and shall be and continue in full force in the same manner as if the limitation in said original act had not expired before the passing of this act.

New members.

SECT. 2. That Neal D. Shaw, Luther Brackett, and Seth Emerson be and they hereby are associated with the original incorporators, and considered and deemed as members of said original corporation, entitled to all the rights, privileges, and immunities, and subject to all the duties, liabilities, and requirements contained in the act to which this act is additional.

SECT. 3. That the extension of time granted in the first section hereof, is upon the condition that the proviso contained in the fifth section of the original act incorporating said company, and the tenth section of said act, shall be considered repealed, and as in no manner restraining the legislature from passing any act, relative to said company, or act of incorporation, which they might have passed, if said proviso and said tenth section had never been a part of said act. Condition of extension of time.

SECT. 4. That any two of the persons named in said original act, or in this additional act, may call the first meeting of said corporation in the manner prescribed in the eighth section of said original act. *Approved March 10, 1835.* First meeting.

LAWS OF 1837, CHAP. 373.

An additional act to incorporate the Calais Railway Company.

Be it enacted, &c. SECT. 1. That the proprietors of the Calais Railway Company be and hereby are authorized to make, complete, and extend a railway from some point at Salt Water Village, so called, in said Calais, that shall intersect the railway leading from said village to Milltown Village, so called, to some point at or near Bog Brook, so called, in said Calais. And said corporation shall be invested with all the powers and privileges, and be subject to all the liabilities in the statute of February the sixteenth, eighteen hundred and thirty-six, entitled "an act concerning corporations," and in the statute of March the first, eighteen hundred and thirty-six, entitled "an act defining certain rights and duties of railroad corporations." *provided*, that said railroad shall be so constructed as not to interrupt or impede the free passage to and from the river adjacent thereto. Additional powers.

SECT. 2. That a toll be, and is hereby granted and established, for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates as may be established from time to time, by the directors of said corporation. And the transportation of persons and property, the construction of wheels, the forms of cars and carriages, the Toll.

Proviso.

weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions as the directors shall from time to time prescribe and direct ; and said road may be used by any person or persons, corporation or corporations, who shall comply with such rules and regulations: *provided*, that after ten years from the completion of said railroad whenever the profits arising from tolls, or otherwise, shall exceed the amount of twelve per centum per annum on the actual cost of said railroad, after deducting all necessary disbursements in conducting its operations, then the legislature shall from time to time have the right so to reduce such tolls as may have been established, not below the rate of twelve per centum per annum as aforesaid, as may be judged expedient. And the books of said corporation, shall, at all times, be open to the inspection of the governor and council; and of any committee duly authorized by the legislature.

Toll houses.

SECT. 3. That the directors of said corporation for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed, and upon such parts thereof, as shall from time to time be completed.

Malicious mischief, how punished.

SECT. 4. That if any person shall wilfully, maliciously, or wantonly and contrary to law obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said railroad or any part thereof, or any thing belonging thereto, or any material or implement to be employed in the construction or for the use of said road, he, she, or they, or any person or persons assisting, aiding or abetting such trespass shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before any justice, or any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation ; and such offender or offenders shall be liable to indictment by the grand inquest of the county, for any offence or offences, contrary to the above provisions ; and on conviction thereof, before any court of common pleas, to be holden in said county, shall pay a fine not exceeding one hun-

dred dollars, to the use of the State, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SECT. 5. That if said corporation shall fail to make and complete said railroad, within four years from the time of the passing this act, then the same shall be null and void. To be completed in four years.

SECT. 6. That said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid or tendered, and a lien is hereby created on all articles transported for said tolls. *Approved March 28, 1837.* To keep road in repair.

LAWS OF 1838, CHAP. 409.

An act additional to "an act to incorporate the Calais Railway Company," and to change the name thereof.

Be it enacted, &c. SECT. 1. That a further time of two years from and after the time specified by an act of the legislature of this State, passed the tenth day of March, in the year of our Lord one thousand eight hundred and thirty-five, shall be allowed to the proprietors of the Calais Railway Company to comply with the conditions of their charter, without forfeiting the same or losing any privileges or immunities granted to said company by said act. Extension of time.

SECT. 2. That the name of the "Calais Railway Company," be and the same hereby is changed to the name of the Calais Railroad Company. *Approved February 22, 1838.* Name changed

LAWS OF 1849, CHAP. 238.

An act additional to an act to incorporate the Calais Railway Company, and the several acts additional thereto.

Be it enacted, &c. SECT. 1. The name of the Calais Railroad Company is hereby altered and changed to the Calais and Baring Railroad Company. Name change

May take prop-
erty, &c.

SECT. 2. The said company may take in any way by which they now are, or may be authorized to do so, and hold any estate, real or personal, not exceeding at any one time, the amount of two hundred thousand dollars, and the same may from time to time, lease, sell, and convey at pleasure; and each stockholder shall be entitled to as many votes as he has shares.

May extend
road.

SECT. 3. Said company may, and they hereby are authorized to extend their said road up the Schoodiac river, and in the vicinity of it to Vance's boom, so called, above the toll bridge in Baring; and also to extend it from its present easterly termination, down said river, over and in the vicinity of it to any place not below Burnt Point, so called, in said Calais; and to extend from such parts of said road so extended as may be found convenient, such branches as they may deem necessary or useful, no one of which branches shall exceed one hundred rods in length from the main trunk.

Toll.

SECT. 4. For any services said company may perform, they may demand and collect such toll or compensation as they shall, by their by-laws determine, and collect it in advance or otherwise; and in addition to their other remedies therefor, shall have a lien on all the property concerning or in reference to which said service may have been rendered, for said toll or compensation, which, if said compensation be delayed for ten days, they may make available by sale thereof at auction on posting seven days' notice thereof before the sale, in the town where the property is landed; stating the amount claimed, for what, the place, day and hour of sale, and substantially a description of the property to be sold as near as can conveniently be done.

Acts, &c.,
made valid.

SECT. 5. All the acts, doings and proceedings of said Calais Railroad Company are hereby declared, made valid, and established to all intents and purposes, notwithstanding any defect in the notifying or calling any of the meetings of said company or the proceedings therein.

Part of act of
1832, repealed.

SECT. 6. The seventh section of the original act incorporating the Calais Railway Company, approved the seventh day of February in the year of our Lord eighteen hundred and

thirty-two, so much of the first section of said act as limits the charter thereof to thirty years, and all other acts and parts of acts as are inconsistent with the provisions of this act are hereby repealed. *Approved July 26, 1849.*

LAWS OF 1852, CHAP. 587.

An act additional to an act entitled "an act to incorporate the Calais and Baring Railroad Company."

Be it enacted, &c. SECT. 1. The Calais and Baring Railroad Company may take, in any way in which they are now authorized, or may hereafter be authorized, and hold any estate real or personal, in addition to what they are now authorized to take and hold, not exceeding at any one time, the amount of five hundred thousand dollars, and the same may from time to time, lease, sell and convey at pleasure.

Capital stock,
additional.

SECT. 2. Said company may and they are hereby authorized to extend their said road up the St. Croix river and in the vicinity of it to some point near the bridge at Louis island, so called, and to extend from such points of said road so extended as may be found convenient, such branches as they may deem necessary or useful, no one of which shall exceed one mile in length from the main trunk, and the said company are hereby authorized to connect, by mutual agreement, their said road with any other road which may be made by any company incorporated by this State or by the province of New Brunswick, and shall have full power to manage and run their said road in such connection.

Authorized to
extend their
road.

Branches lim-
ited.

SECT. 3. For any services said company may perform, they may demand and collect such toll or compensation as they shall by their by-laws determine, and shall have the same authority for collecting the same, and enforcing their claims for the same, as the Calais and Baring Railroad Company now have, and shall have all the powers provided by law for such corporations.

Toll granted.

SECT. 4. No section or sections of said railroad shall be put under contract to be built until three quarters of the cost of constructing said section or sections, to be estimated by a competent engineer, shall be subscribed for by responsible subscribers.

Three-fourths
cost to be sub-
scribed before
put under con-
tract.

Limited to
three years.

SECT. 5. The time allowed for extending the road as provided in this act is hereby limited to three years from and after the approval of the governor. *Approved April 13, 1852.*

LAWS OF 1870, CHAP. 363.

An act additional to "an act to incorporate the Calais Railway Company," and the several acts additional thereto and amendatory thereof.

Name changed.

Be it enacted, &c. SECT. 1. The name of the Calais and Baring Railroad Company, is hereby altered and changed to the St. Croix and Penobscot Railroad Company.

Capital stock
increased.

SECT. 2. The capital stock of said corporation is hereby increased to and established at two million dollars, and shares and certificates of stock may be issued under the direction of the stockholders of said corporation for the additional stock hereby created on such terms as they may deem advisable.

Stockholders
entitled to one
vote for each
share owned.

SECT. 3. Each stockholder in said corporation shall be entitled to as many votes as he has shares.

Authorized to
take and hold
real and person-
al estate, and
lease and sell
the same.

SECT. 4. The said corporation may purchase, take and hold in any way by which they now are or may be authorized, any estate, real or personal, not exceeding at any one time the amount of one million dollars, and the same from time to time may lease, sell and convey at pleasure.

Extension of
road authorized
to some point
on line of E. &
N. A. Railway.

SECT. 5. Said corporation may, and they are hereby authorized to extend their said road up the Schoodiac river to any point in the town of Princeton, and thence to some point on the line of the European and North American Railway, between the north line of the town of Lincoln and the south line of the town of Milford; and to extend from such parts of said road so extended as may be found convenient, such branches as they may deem necessary or useful, no one of which branches shall exceed one hundred rods in length from the main trunk; and may connect their said road so extended with the railroad now constructed from the line of the State near the Baring boom, in Baring, through a portion of the province of New Brunswick, to the line of the State at Sprague's falls, in Baileyville, at each terminus thereof.

SECT. 6. For the purpose of extending their said road as

esaid, said corporation is hereby duly and fully authorized and empowered to purchase, take and hold the Lewy's Island Railroad, together with the real estate, fixtures, rolling stock, depot buildings and other property thereunto belonging, with the rights, privileges and appurtenances thereunto belonging and shall have and exercise the same rights and privileges over said Lewy's Island Railroad, real estate, fixtures, rolling stock, depot buildings and other property thereunto belonging, as though the same were located by said St. Croix and Penobscot Railroad Company.

Authorized to
purchase
Lewy's Island
Railroad, &c.

SECT. 7. Said corporation is hereby invested with all the powers, privileges and immunities, which may be necessary to carry into effect the objects and purposes of this act.

Powers and
liabilities.

SECT. 8. The city of Calais is hereby duly authorized and empowered to bargain, sell, assign, transfer and convey to said St. Croix and Penobscot Railroad Company, said Lewy's Island Railroad, together with the real estate, fixtures, depot buildings and other property thereunto belonging, with the rights, privileges and appurtenances thereunto belonging, on such terms and conditions as said city of Calais may deem advisable; and said city of Calais is hereby invested with all the powers, privileges and immunities, which may be necessary to carry into effect the object and purposes of this act.

Calais may sell
Lewy's Island
Railroad, with
real estate, &c.

SECT. 9. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 10. This act shall take effect when approved. *Approved February 26, 1870.*

LAWS OF 1873, CHAP. 324.

act to amend "an act to incorporate the Calais Railway Company, and amendatory acts thereto," relating to the St. Croix and Penobscot Railroad Company.

Be it enacted, &c. SECT. 1. Section five of chapter three hundred and sixty-three of special laws of eighteen hundred and seventy, is hereby amended by inserting in the third line of said section, between the words "thence" and "to," the words "to Bangor or," so that said section as amended as it shall read as follows:

Road, route of,
extended.

—branches of.

—may connect
with other
roads.

May take and
hold land.

Proviso.

“SECT. 5. Said corporation may, and they are authorized to extend said road up the Schoodiac river to any point in the town of Princeton, and thence to Bangor, or to some point on the line of the European and North American Railroad between the north line of the town of Lincoln and the south line of the town of Milford; and to extend from such point said road so extended, as may be found convenient to such branches as they may deem necessary or useful, no branch of which branches shall exceed one hundred rods in length from the main trunk, and may connect their said road so extended with the railroad now constructed from the line of the Maine Central near the Baring boom, in Baring, through a portion of the town of New Brunswick, to the line of the State at Spaulding falls in Baileyville, at each terminus thereof.”

SECT. 2. Said St. Croix and Penobscot Railroad Company is authorized to take, acquire and hold such lands as may be necessary for said purposes; *provided, however*, that the provisions herein contained shall authorize said railroad corporation to take the land of another railroad within the limits of the actual way location, acquired by purchase or otherwise, for their necessary depot grounds, without the written consent of said companies, except as provided by the general laws of the State. *Approved February 19, 1873.*

THE LEWY'S ISLAND RAILROAD COMPANY

Is now owned by the St. Croix and Penobscot Railroad and was incorporated in 1854.

LAWS OF 1854, CHAP. 217.

An act to incorporate the Lewy's Island Railroad Company.

Corporators.

Be it enacted, &c. SECT. 1. William Todd, Thomas Copeland, William Duren, Benjamin Young, James B. Frederic A. Pike, William E. McAllaster, Japhet H. Mather, Joseph Granger, George Downs, Samuel Kelley, Chase, J. S. Cooper, G. W. Spratt, Putnam Rolf, H. F.

Eaton, A. Gilma, S. T. King, John McAdam, Daniel Horatio N. Hill, W. H. Boardman, L. L. Lowell, James Hall, G. Foster, Thomas Sawyer, William Deming, D. B. Barnard, Z. Chapman, C. R. Whidden, E. Whidden, P. H. Glover, L. D. Sawyer, James Robbins, Levi Whitney, Levi Whitney, C. O. P. Peabody, G. N. Cole, G. D. King, N. C. Stickney, S. Darling, jr., J. K. Damon, T. J. Dyer, John Gardiner, G. W. Dyer, M. Vickery, C. H. Kellogg, J. W. Todd, W. H. Tyler, F. K. Swan, J. W. Cox and S. Smith, their associates, successors and assigns, are hereby organized and constituted a body politic and corporate by the name of Lewy's Island Railroad Company, and by that name shall sue and be sued, plead and be impleaded, and shall enjoy the proper remedies, at law or in equity, to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation is hereby authorized and empowered to locate and construct, and finally complete, alter, and keep in repair, a railroad with one or more miles of rails, or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the terminus in Baring of the Calais and Baring Railroad through the towns of Baring, Baileyville and Princeton to some point on Lewy's lake in Princeton. And said corporation shall be and hereby is invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act herein set forth. And for this purpose said corporation shall have the right to take and hold, or to purchase, so much of the land, and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and shall have the right to take, remove, and use, for the construction and repair of said road and appurtenances, any earth, stone, gravel, timber, or other materials, on or from the land taken; *provided, however*, the land so taken shall not exceed rods in width, except where greater width is necessary for

Corporate
name.

General powers,
&c.

Location, construction,
&c.
Amended 1855,
chap. 405.

May take and
hold real estate

Proviso.

Damages for material taken.

—how determined.

—application for, when to be made.

Right to remove trees, &c.

—compensation for.

Powers, privileges, &c.

Capital stock.

Directors.

President.

the purpose of excavation and embankment; and *pro* also, in all cases, said corporation shall pay for such estate, or materials, such price as they and the res owner or owners thereof may mutually agree upon; case said parties shall not otherwise agree, then sa poration shall pay such damages as shall be ascertain determined, by the county commissioners for the co Washington, in the same manner, and under the sa ditions as are by law provided in the case of lay highways; and the land so taken by said corporatio be held as lands taken and appropriated for highways no application to said commissioners to estimate said d shall be sustained, unless made within three years f time of taking such lands and other property; and in c railroad shall pass through any woodland or forests, t company shall have the right to remove or fell any trees standing thereon within four rods from such roa by their liability to be blown down or from their natu ing, might obstruct or impair said railroad, by payin compensation therefor, to be recovered in the same m is provided for the recovery of the other damages reco this act. And furthermore, said corporation shall hav powers, privileges and immunities, and be subject to duties and liabilities provided respecting railroads in eighty-one of the revised statutes, not inconsistent v express provisions of this charter, and subject also to visions of chapter forty-one of the laws of eighteen l and fifty-three entitled an act concerning railroads.

SECT. 2. The capital stock of said corporation shall of not less than two thousand shares, nor more than fo sand shares, and the immediate government and dire the affairs of said corporation shall be vested in five, s nine directors, who shall be chosen by the members of s poration in the manner hereinafter provided, and shall be offices until others shall have been duly elected and q to take their places, a majority of whom shall be a quor the transaction of business; and they shall elect one o number to be president of the board, and he shall l

ident of the corporation, and shall have authority to choose Clerk; and a treasurer, who shall give bonds to the corporation in the sum of ten thousand dollars, for the faithful charge of his trust. And any ten of the persons named in the first section of this act are hereby authorized, at a meeting to be holden for that purpose, with or without notice, to accept of the act and organize the said corporation.

Clerk and treasurer.

Acceptance of charter, &c.

SECT. 3. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this State for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws, &c.

SECT. 4. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and property of all descriptions, and all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this grant, to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road and for the transportation of persons, goods, and property of all descriptions, to make such equal assessments from time to time on all shares in said corporation as they may deem it necessary and expedient in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation.

Officers, powers of.

Assessments.

And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell his share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber, or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell

—notice of.

—neglect to pay, shares how disposed of.

Proviso.

for less than the assessments due thereon with the interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *provided, however*, that no assessment shall be laid upon any share in said corporation of a greater amount in the whole than one hundred dollars.

Toll.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to said road shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Transportation,
&c., rules for.Annual meet-
ing.

SECT. 6. The annual meeting of the members of said corporation shall be holden on the first Monday of November, or such other day as shall be determined by the by-laws, at such time and place as the directors, for the time being, shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Directors, when
chosen.Special meet-
ings.Junction with
other roads.

Lease of road.

SECT. 7. The corporation is hereby invested with power to make connections with any other road or roads, and on such terms as the members may deem expedient and proper; and it is hereby authorized to lease the road, either before or after it shall have been completed, on such terms and for such time as the members at a meeting regularly called for that purpose shall determine.

Location, &c.,
time of limited.

SECT. 8. If the corporation shall not have been organized and the location according to actual survey of the route filed with the county commissioners of Washington county, on or before the first day of July, in the year of our Lord one thou-

ST. CROIX AND PENOBSCOT RAILROAD.

d eight hundred and fifty-four, and if the corporation shall to complete said railread on or before the first day of y in the year of our Lord one thousand eight hundred and eight, then this act shall be null and void ; *and provided* ways, that this act shall not take effect and be in force for other purpose than the organization of the company here-created, until the Calais and Baring Railroad Company ll have surrendered and released, to the said Lewy's Island ilroad Company, the right they now have by virtue of an passed April thirteenth, eighteen hundred and fifty-two, extend their road over the route specified in this act; which ease and surrender shall be made by a proper instrument, writing, under seal of said Calais and Baring Railroad Com-y, pursuant to a vote of said corporation, passed at a eting of said corporation duly called for that purpose.

Act, wh
take effe

SECT. 9. The individuals composing the officers of said rail-d corporation shall be American citizens, and a majority reof shall reside within the limits of the State of Maine.
proved March 16, 1854.

Officers
America
zens.

LAWS OF 1854, CHAP. 344.

n act to authorize the city of Calais to aid in the construction of the
Lewy's Island Railroad.

Be it enacted, &c. SECT. 1. The city of Calais is hereby horized to loan its credit to the Lewy's Island Railroad mpany in aid of the construction of their railroad, not ex- ding, however, the sum of one hundred and fifty thousand lars, upon their compliance with the following terms and ditions.

City of
authoriz
loan its
to Lewy
Island R
Amend
chap. 4

SECT. 2. If this act shall be accepted as hereinafter provided, l said company shall within three years from its approval duce evidence satisfactory to the mayor and aldermen of l city for the time being, that the sum of one hundred and y thousand dollars has been collected from the subscriptions the stock of said company, and paid in and actually ex- ded in the purchase of the right of way and the construc- n of the road, and that the road bed for the whole distance m its terminus in Baring to its terminus at Lewy's lake in

Act, ac
of.

Scrip when to
be issued.

—when payable

—amount of.

Proviso.

Scrip, bond of
company for
payment of, &c.

Scrip of com-
pany, delivery
of, &c.

—to be held as
collateral secu-
rity.

—may be sold.

Princeton, including all necessary bridges and masonry ready for the superstructure, has been completed, then such facts shall be certified by the mayor and aldermen to the city treasurer, and he shall forthwith issue to the directors of said company, for the purpose of completing said road, the scrip of said city, payable to the holders thereof at the expiration of twenty years from the date thereof, in the sum of one hundred and fifty thousand dollars, with coupons for interest attached, payable semi-annually; *provided, however*, that said scrip of one hundred and fifty thousand dollars may be subdivided and issued in such sums and at such times thereafter, as may be convenient for said company.

SECT. 3. Concurrent with the delivery of the first scrip aforesaid, the president and directors of said company, in their official capacity, shall execute and deliver to said city treasurer the bond of said company in the penal sum of three hundred thousand dollars payable to said city, conditioned that said company will duly pay the interest on said scrip and the principal thereof, and the principal and interest of other scrip which said city may subsequently issue in pursuance of the provisions of this act, and in all respects hold and save the city harmless on account of the issue of the same, and shall execute and deliver to said treasurer the scrip of said company, payable to the holders thereof, at the same time and for the same amount as the scrip then issued by the treasurer to the said company, with the like coupons attached; and the scrip of said company shall in all cases subsequently be issued in sums corresponding in dates and amounts with the scrip of said city, which scrip shall be held by said city as collateral security for the fulfilment of the conditions of said bond; and in default of any one of said conditions said city may from time to time sell said scrip or any portion thereof at public auction or auctions, in the cities of Calais, Boston or New York, after sixty days' notice in writing to the president or one of the directors or three of the stockholders of said company, naming therein the time and place of sale; and the net proceeds thereof shall be endorsed on said bond.

SECT. 4. The president and directors of said company are

areby authorized, and it shall be their duty in their official capacity, upon the receipt of said first scrip from said city, and the delivery of their bond to the said city, to secure the payment of the same, and the scrip subsequently to be issued as hereinbefore provided, to execute and deliver to said city, a mortgage of said railroad, and of all the property of said company, real and personal, which they then have, or may subsequently acquire, together with their franchise without prior incumbrance; which mortgage shall be signed by said president in his official capacity, and shall be executed according to the law of this State, and shall be in due and legal form, and shall contain apt and sufficient terms, to secure to said city the fulfilment of all the conditions in said bond contained; and said mortgage, so executed and delivered, and recorded in the registry of deeds for the county of Washington, shall, to all intents and purposes be, and the same is hereby declared to be, a full and complete transfer of said railroad, of all the property of said company, real and personal, then or subsequently to be acquired, and of said franchise, subject only to the conditions therein contained, any law to the contrary notwithstanding. And all the proceedings of the organization of said company, and choice of directors, shall be deemed valid and regular.

Mortgage of road, &c., to secure fulfilment of conditions of bond.

Mortgage, how executed, recorded, &c.

Organization deemed valid.

SECT. 5. For the purpose of foreclosing said mortgage, it shall be sufficient for said mayor and aldermen to give notice according to the mode prescribed in the fifth section of the one hundred and twenty-fifth chapter of the revised statutes; which notice may be published in a newspaper printed in said city of Calais, and record thereof may be made within thirty days after the date of the last publication, in the registry of deeds for the county of Washington, which publication and record shall be sufficient for the purposes of such foreclosure. Upon the expiration of three years, from and after such publication, if the conditions of said mortgage shall not within that time have been performed, the foreclosure shall be complete; and shall make the title to the railroad, and to all the property and franchises aforesaid, absolute in said city.

Mortgage, foreclosure of.

SECT. 6. If the directors of the company shall, at any time,

Possession of road, &c., may be taken by the city of Calais in certain cases.

—notice of, how given.

Possession of road not to be considered a foreclosure.

Receipts of road how appropriated.

neglect or omit to pay the interest which may become due upon any portion of the scrip issued and delivered, under the provisions of this act, or to pay the principal as it becomes due, or to comply with any of the conditions of said bond, the city of Calais may take actual possession in the manner hereinafter provided, of the railroad, of all the property, real and personal, of the company, and of the franchise thereof; and may hold the same, and apply the income thereof, to make up and supply such deficiencies, and all further deficiencies that may occur while the same are so held, until such deficiencies are so made up and discharged. A written notice, signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder in the company, stating that the city thereby takes actual possession of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same for the purposes aforesaid, to the city, and shall enable the city to hold the same against any other transfers thereof, and against any other claims thereon, until such purposes have been fully accomplished. Such possession shall not be considered as an entry for foreclosure, under any mortgage hereinbefore provided; nor shall the rights of the city, or of the company, under any mortgage, be in any manner affected thereby.

SECT. 7. All moneys received by or for the railroad company, after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the city in the manner and for the purposes herein provided, and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment shall be an effectual discharge from all claims of the company therefor; but if any person without such notice shall make payments of moneys so received to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor. All moneys received by the treasurer of the company after such notice, or in his hands at the time such notice may be

n, shall be by him paid to the city treasurer, after deducting the amount expended or actually due for the running expenses of the road, for the salaries of the officers of the company and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer shall be made at the end of every calendar month, and shall by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or collect any moneys received as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received in the name of the city treasurer, whose duty it shall be to sue for the same, to be by him held and applied as is herein required.

—payment of,
when made.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may institute a suit in equity to be instituted in the name of the city of Calais, in the supreme judicial court in the county of Washington, against the railroad company, its directors, or any other person as may be necessary, for the purpose of discovering an injunction, account or other relief, under the provisions of this act. And any judge of the court may issue a writ of prohibition or any other suitable process on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings and make such orders and decrees as may be within the powers and according to the course of proceedings of courts of equity, as the necessities of the case may require.

Injunction, &c.

—writ of.

SECT. 9. If the railroad company shall, after notice of position as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors, consisting of not less than seven persons, or any other necessary officers; and the persons so appointed shall have all the power and authority of officers chosen or appointed under provisions of the act establishing said company; and upon their acceptance such officers shall be subject to all the duties and liabilities thereof.

Directors, how
chosen in case
of neglect of
company.

Directors, one
to be appointed
from among the
stockholders.

—right to
choose to cease.

Lien created as
additional pro-
tection.

Act, acceptance
of, &c.

When to take
effect.

SECT. 10. The city shall appoint one of the directors of railroad company from among the stockholders, who shall be chosen annually by the city council in joint ballot, be the annual meeting of said company for the choice of officers, who shall have the same authority in transacting business of said company, and who shall be entitled to compensation from the company as any other directors. the right to choose such directors shall cease when the contemplated is extinguished.

SECT. 11. As an additional or cumulative protection said city, all liabilities which by said city may be assumed incurred under or by virtue of any of the provisions of act, shall at the times and by force thereof and for the security and payments of the same, create in favor of said city a lien on said railroad, its franchise, and of all its appendages, on all the real and personal property of said railroad corporation, which lien shall have the preference and be prior to other liens and incumbrances whatever, and shall be enforced and the rights and interest of said city protected, when necessary, by suitable and proper judgments, injunctions or decrees of said supreme judicial court on a bill or bills in equity, which power is hereby specially conferred on said court.

SECT. 12. This act shall not take effect unless it shall be accepted by said company and by a vote of the inhabitants of said city, voting in ward meetings, duly called according to law, within six months after the approval by the governor of this act. At least two-thirds of the votes cast at such ward meetings shall be necessary for the acceptance of this act. The return of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and said city clerk shall make a record thereof.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor. *Approved April 1 1854.*

LAWS OF 1855, CHAP. 404.

t additional to "an act to authorize the city of Calais to aid in the construction of the Lewy's Island Railroad."

it enacted, &c. SECT. 1. The city of Calais is hereby authorized to loan its credit to the Lewy's Island Railroad company, in aid of the construction of their road, not exceeding, however, the sum of one hundred and fifty thousand dollars, upon their compliance with the terms and conditions set forth in the act to which this is additional, and of this act; notwithstanding the said company shall change the location of their road, so as to connect the same with a railroad to be located from the line of the State, near the Baring boom, in passing through the province of New Brunswick, to the line of the State, at Sprague's Falls, in Baileyville, according to the provisions of an act of the legislature, passed for that purpose, at the annual session of the legislature of Maine, in the year of our Lord one thousand eight hundred and fifty-five, and shall discontinue that portion of their road, as authorized under their charter, which shall not be required to connect with the said road, so to be located, in the said province of New Brunswick.

Loan, credit of city of Calais, to Lewy's Island R. R., authorized.

—not to exceed \$150,000.

—terms and conditions of, &c.

Amended 1855, chap. 424.

SECT. 2. The conditions to be performed by said company, precedent to the issuing of the scrip of said city, shall be performed upon the whole line of said road, as well in the province of New Brunswick, as in this State, and the security given to the said city, shall embrace and include the whole of said road, as well in the said province of New Brunswick, as in this State, as well under the charter granted by the legislature of New Brunswick, as under the charter granted by the legislature of Maine, and all the other stipulations of the security of, and remedies for said city, of the act to which this is additional, shall apply as well to the said road in the province of New Brunswick, and the charter granted therefor, as to the said road in this State, and the charter granted therefor.

Scrip, when to issue.

—to apply to whole line of road.

SECT. 3. This act shall not take effect, unless it shall be assented to by said company, and by a vote of the inhabitants

Act, when to take effect.

ST. CROIX AND PENOBSCOT RAILROAD.

of said city, voting in ward meetings, duly called according to law, within six months after the approval, by the governor, of this act. At least two-thirds of the votes cast at such ward meetings, shall be necessary for the acceptance of this act. The return of such ward meetings shall be made to the aldermen of said city, and by them counted and declared, and the said city clerk shall make a record thereof.

SECT. 4. The provisions of this act shall be in force from and after its approval by the governor. *Approved January 29, 1855.*

LAWS OF 1855, CHAP. 405.

An act to authorize the Lewy's Island Railroad Company to alter its location.

Lewy's Island
R. R. authoriz-
to change loca-
tion.

Be it enacted, &c. SECT. 1. Whenever a railroad shall under a charter for that purpose granted, be located and constructed from the line of the State near the Baring boom, in Baring, through a portion of the province of New Brunswick to the line of the State at Spragne's Falls in Baileyville, the Lewy's Island Railroad Company are hereby authorized to alter and change the location of their road as made under their charter, so as to connect their said road with said road so constructed in the province of New Brunswick, at each terminus thereof, and thereupon to discontinue so much of their said road located as aforesaid, as shall not be necessary to make such connection, saving to all persons all claims for damages and other rights acquired under the old location of their said road.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor. *Approved January 29, 1855.*

LAWS OF 1855, CHAP. 424.

An act additional to, and explanatory of the act authorizing the city of Calais to aid in the construction of Lewy's Island Railroad, passed and approved April fourteenth, eighteen hundred fifty-four, and of the act in addition to an act to authorize the city of Calais to aid in construction of Lewy's Island Railroad, passed January twenty-ninth, eighteen hundred fifty-five.

Be it enacted, &c. SECT. 1. The act authorizing the city of Calais to aid in the construction of the Lewy's Island Railroad, passed April fourteenth, eighteen hundred and fifty-four, and the act additional to an act to authorize the city of Calais to aid in the construction of the Lewy's Island Railroad, passed and approved January twenty-ninth, eighteen hundred and fifty-five, shall not be construed as authorizing the issue of more than one hundred and fifty thousand dollars of scrip of said city of Calais in the whole, it being the intention of the legislature to authorize said city by virtue of both of said acts to issue their scrip for one hundred and fifty thousand dollars and no more, under any circumstances.

Aid to Lewy's
Island Railroad
limited.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 14, 1855.*

LAWS OF 1855, CHAP. 477.

An act to unite Calais and Baring Railroad, with Lewy's Island Railroad.

Be it enacted, &c. SECT. 1. The Calais and Baring Railroad Company, and the Lewy's Island Railroad Company, are hereby authorized, at such times, and on such terms as may be mutually agreed upon and approved by a majority of the votes of the stockholders of each of said corporations, at meetings regularly warned for the purpose, to unite and form one corporation, to be called the Calais and Lewy's Island Railroad Company.

Calais and Baring and Lewy's
Island R. R.
companies au-
thorized to
unite, &c.

Corporate
name.

SECT. 2. The corporation formed as aforesaid, shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which at the time of such union may be held and enjoyed by both of the existing corporations, and be subject to all the duties, restrictions, obligations and liabilities, to which, at the time of union, they are subject in severalty, and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized in like manner, and with the same effect as might have been done had such union not been formed.

Powers and
privileges.

First meeting,
how called.

Stockholders of,
&c., may vote.

SECT. 3. The first meeting of the corporation hereby authorized shall be called by the presidents of the two corporations composing its parts; and of the time and place of said meeting seven days' notice shall be given, by publication in the two newspapers in the city of Calais; and at said meeting persons holding stock either in the Calais and Baring Railroad Company, or in the Lewy's Island Railroad Company, shall be entitled to vote in like manner as they would have been had these corporations been convened separately.

SECT. 4. This act shall take effect from and after its approval by the governor. *Approved March 8, 1855.*

GENERAL RAILROAD LAWS.

The following are all the General Railroad Laws passed from 1831 to both years inclusive; where a law has been repealed or amended, it is indicated in the margin.

LAWS OF 1831, CHAP. 503.

An act concerning corporations.

Be it enacted, &c. That all acts of incorporation which shall be passed after the passage of this act, shall at all times hereafter be liable to be amended, altered, or repealed, at the pleasure of the legislature, in the same manner as if an express provision to that effect were therein contained; unless there shall have been inserted in such act of incorporation an express limitation or provision to the contrary. *Approved March 17, 1831.*

Corporation hereafter chartered, liable to be amended or repealed, &c., 47 Me., 34.

LAWS OF 1836, CHAP. 200.

An act concerning corporations.

Be it enacted, &c. SECT. 1. That from and after the passage of this act, all corporations, created by the legislature, or which shall be established under existing laws, shall be capable under their corporate name, to sue and be sued, appear, prosecute, defend to final judgment and execution, in any courts of record, or in any other place whatever: to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine, all needful officers, to fix their compensation and to define their duties, obligations, and liabilities, consistent with the constitution and laws of the State, for their own government, and for the due and orderly conducting of their affairs, and the management of their prop-

General powers, liabilities and duties of corporations. Amended 1836, chap. 217.

Mode of calling first meeting.

SECT. 2. That the mode of calling the first meeting of corporations, unless otherwise specially provided for, shall be by a notice, setting forth the time, place, and purposes of the meeting, signed by any one or more of the persons named in the act of incorporation, and fourteen days at least previous to the meeting, delivered to each member, or published in a newspaper or newspapers in the county where the corporation may be established, or if there be no newspaper, then in a newspaper in some adjoining county.

Liability of shareholders for debts of corporation, to what extent and how liable.

Amended 1861, ch. 21, 21 Pick, 419.

SECT. 3. That in all corporations hereafter created by the legislature, except banking corporations, unless otherwise specially provided for in the act of incorporation, the individual stockholders, shall be liable for the debts of the corporation. And in case of deficiency of attachable corporate property, or estate, the individual property, and credits of any stockholder shall be liable, to the extent of his stock, for all debts of the corporation contracted prior to the transfer thereof, for the term of one year after the record of the transfer in the books of the corporation, and the term of six months after judgment recovered against the corporation in any suit commenced within the year after the same may be taken in execution on said judgment in the same manner as if said judgment and execution were against him individually, or, said creditor, after said judgment may have his action on the case against said individual stockholder; but in no case shall the property, rights, and credits of said stockholder be taken in execution or attached or sold beyond the amount of his said stock.

Execution against stockholders, how satisfied.

Amended 1861, chap. 21, 21 Pick, 419.

SECT. 4. That it shall be the duty of the officer having execution to appropriate towards the satisfaction thereof, or in whole, any corporate property or estate, which he can find, and if sufficient cannot be found, to certify said debt on said execution, and to notify the individual stockholder giving him forty-eight hours' previous notice thereof of the property he is about to take; and if said stockholder be out of the State, said notice shall be given to his agent if he has any in the State, otherwise to the clerk of said corporation, and, if such individual stockholder, his agent or said

demand of said officer and notice as aforesaid, shall disclose and show to the execution creditor, or officer, attachable corporate property or estate sufficient to satisfy said execution all fees, his individual property, rights and credits shall upon be exempt from attachment and execution. And action on the case shall not be commenced against said stockholder until demand and notice as aforesaid.

SECT. 5. That said individual stockholder, whose property, rights, and credits, shall be attached and taken as aforesaid shall have his remedy at law, or in equity against said corporation to reimburse him for all moneys paid as aforesaid, and to recover damages as he may have sustained by the neglect of said corporation to satisfy said execution. And, in case of a deficiency of corporate property or estate wherewith to satisfy a judgment or decree as said individual stockholder may recover or obtain as aforesaid, said stockholder may have his remedy as aforesaid for a contribution, in proportion to their respective stock in said corporation, against the stockholders who were liable for the corporate debt sued for in said action against said corporation.

Stockholders
paying for cor-
porations may
recover.

SECT. 6. That it shall be the duty of the clerk of said corporation, on demand, to furnish the officer having the execution against said corporation, with the names and place of residence of the stockholders who may be liable as aforesaid.

Duty of clerk
to give the
officer names of
stockholders.

SECT. 7. That all provisions of law touching the subject matter of corporations and not inconsistent with this act, shall be affected thereby, and this act shall take effect from and after its passage. *Approved February 16, 1836.*

LAWS OF 1836, CHAP. 204.

An act defining certain rights and duties of railroad corporations.

Be it enacted, &c. SECT. 1. That railroad corporations, which have been, or may be granted, shall have the right to take and hold so much of the land, and other real estate of private persons, as may be necessary for the location, construction, and convenient operation of their railroads; and they shall, also, have the right to take, remove, and use for the construction and repair of said railroads and appurten-

Railroads may
take and hold
real estate, and
take and re-
move trees
for certain pur-
poses.
31 Me., 216.

ances, any earth, gravel, stone, timber, or other material taken on or from the land so taken,—*provided, however*, that the land, so taken, shall not exceed four rods in width, where greater width is necessary for the purpose of excavation or embankment; *and provided, also*, that, in all cases, said corporations shall pay for all such lands, estate, or material so taken and used, such price, as they, and the owners or respective owners thereof may mutually agree on; and, if said parties shall not otherwise agree, then said corporations shall pay such damages as shall be ascertained and determined by the county commissioners for the county where such land or other property may be situate, in the same manner, and under the same conditions and limitations, as are by law provided in the case of damages by laying out of highways. And the lands so taken by said corporations, shall be held as lands, taken and held for public highways. And no application to said county commissioners to estimate said damages, shall be sustained unless made within three years, from the time of taking such land or other property; or where it has already been taken, within one year from the time of passing this act. *Provided, further*, that nothing in this act shall authorize such corporations to take any dwelling house, meeting house, or public or private burying ground, without the consent of the owners or proprietors.

Damages, how agreed upon.
See law 1853, ch. 41, sect. 13; 35 Me., 258; 40 Me., 556; 43 Me., 361; 44 Me., 144.

43 Me., 361;
47 Me., 345.

Dwelling house and meeting house and burying ground not to be taken.

See laws of 1865, ch. 321, sect. 4.

Security for damage to be given.

See laws of 1853, ch. 41, sect. 16. 31 Me., 218; 40 Me., 556.

SECT. 2. That on application being made to the county commissioners as aforesaid, either by said corporations, or by the owner or owners of lands so taken, it shall be the duty of said corporations, if required by the owner or owners of such land or other property so taken, to give full and adequate security, to the satisfaction of said commissioners, for the payment of damages and costs, which may be finally ascertained, determined, and awarded, by said commissioners, for the taking of such land or other property so taken. And on the refusal, or failure of said corporations to give such security, all their right and authority to enter upon, or use said land or other property so taken, except for making surveys, shall be suspended and stayed, until they shall give such security. But if the security is given, they may proceed to use said land or other property, for the purpose, for which it was taken.

ART. 3. That when any railroad corporation shall take any or other estate, as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and contract with said corporation, for all damages, or claims for compensation, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

Damages to persons non-compos mentis &c.

ART. 4. That said corporations which have been, and may hereafter be established, may raise or lower any turnpike, highway, or private way, when it may be necessary to allow a railroad to pass over, or under the same, and in such case said corporations shall put said turnpike, highway, or private way, as soon as may be, in as good repair and condition as before said alterations shall have been made by said corporations; and as soon as said alterations and amendments are completed, said corporations shall give notice in writing of the completion thereof, to the proprietors of such turnpike and to the selectmen of the towns, where such highway or private way is situate. And if said proprietors or selectmen require further alterations and amendments of said turnpike, highway, or private way, and give notice thereof in writing to said corporations; and if the parties cannot agree what further alterations and amendments are necessary—either of said parties may apply to the county commissioners of the county, where the portion of the turnpike, highway, or private way is situate, at the next regular meeting of said commissioners, and give said notice to said corporations, to determine what further alterations and amendments, if any, shall be made in said turnpike, highway, or private way—and the decision of said commissioners shall be final, and the costs of such application shall be awarded in favor of the prevailing party. And if said corporations shall unnecessarily or unreasonably neglect to make such alterations or amendments, as said commissioners shall determine to be reasonable and proper, the said proprietors or selectmen, shall be entitled to their remedies in damages, by an action on the case, in any court proper to try

May alter the grades of certain ways.

49 Me., 121, and 126; 58 Me., 46 and 51 Me., 313.

Duties of proprietors and selectmen in certain cases.

Appeal to county commissioners.

Decision of commissioners final.

Action for damage to be brought within one year.

the same. And no action shall be sustained against said corporations, for damages, by said proprietors, or selectmen, or the owner, or owners, of any private way by reason of any obstruction thereto, occasioned by said railroads crossing the same, unless brought within one year from the time said injury is occasioned.

Railroad Co. may alter course of highway.

Proviso.

38 Me., 30; 51 Me., 313; 58 Me., 46.

SECT. 5. That, if any railroad corporation, which has been, or may be established, shall be desirous of altering the course of any highway, where it is crossed by their railroad, for the purpose of facilitating the crossing of the same, they may alter the same accordingly in such manner as the county commissioners for the county where such way is situate may direct: *provided*, the said commissioners, after due notice to the selectmen of the town where such highway is situate, shall be of opinion that such alteration will not essentially injure said highway. And in case any railroad corporation shall, before commencing the work of raising or lowering any turnpike, highway or private way as aforesaid, or at any time previous to completing the same, be desirous of obtaining the approbation of said commissioners in respect to the mode of raising or lowering the same, the said corporation may apply to said commissioners for this purpose, whose duty it shall be, after due notice to the parties interested, to direct the mode of performing said work; and their decision shall be final. And it shall be the duty of said corporation to provide and keep in good order for travelling, suitable temporary ways or turnouts, that travellers may not be unnecessarily delayed or impeded during the time of performing said work.

May carry railroad over or under any railroad or canal.

See law of 1872, chap. 40.

LIABLE FOR DAMAGE.

SECT. 6. That said corporations which have been or may hereafter be established shall have power to construct and carry their railroads across, over or under any railroad or canal, when it may be necessary in the construction of the same: and in such cases said corporations shall so construct their railroad crossings as not unnecessarily to interrupt or impede the travel or transportation upon their railroad or canal so crossed. And said corporations shall be liable in an action on the case for the damages occasioned to any corporation or party injured, by reason of said crossing.

SECT. 7. That it shall be the duty of every railroad corporation to cause a bell to be placed on each locomotive engine running on their road, which shall be at least of the weight of twenty-five pounds, and the said bell shall be rung at the distance of, at least, eighty rods from the place of crossing any turnpike, railroad, highway or townway—upon the same level as the railroad, and be kept ringing until the said engine shall have passed said turnpike, railroad, highway or townway; and it shall be the duty of each railroad corporation to cause boards to be placed and constantly maintained across each turnpike, railroad, highway or townway, where it is crossed by the railroad on the same level therewith, the said boards to be well supported by posts or otherwise, and to be of such height as to be easily seen by travellers, without obstructing travel; and on each side of said boards the following inscription shall be printed, in capital letters of at least the size of nine inches each;—RAILROAD CROSSING, LOOK OUT FOR THE ENGINE WHILE THE BELL RINGS.—And if the mayor and aldermen of any city, or selectmen of any town, wherein any turnpike, highway or townway so crossed by any railroad is situated, shall be of opinion that the foregoing provision is not a sufficient security to the public, in any particular cases, and that it is necessary for such security that gates should be erected across the railroad, and that an agent should be stationed to open and close said gates whenever any engine passes, the said selectmen may request in writing said railroad corporation to erect said gates, and station said agent as aforesaid; and in case said railroad corporation shall neglect or refuse so to do, the said mayor and aldermen, or selectmen, may apply to the county commissioners for their decision upon the reasonableness of such request. And if said commissioners, after due notice, and hearing the parties, shall decide in favor of the erection of said gates, and providing said agent is necessary for the security of the public, it shall be the duty of said railroad corporation to comply with their decision. And in case said commissioners shall be of opinion that the establishment of said gates and agent is not required as aforesaid, said mayor and aldermen and selectmen shall be liable to

Bell to be placed on each engine.

Bell when to be rung.

57 Me., 117.

Notice of railroad crossing, highway, &c., how posted.

See law of 1866, ch. 32 and 36.

Gates, when to be erected.

Remedy in case of refusal.

Amended 1874, ch. 189.

pay all the costs of their application. But if the said application shall be sustained by said commissioners, the costs thereof shall be paid by said railroad corporation.

SECT. 8. That if any railroad corporation shall unreasonably neglect or refuse to comply with any or either of the requisitions of the preceding section of this act, they shall forfeit and pay to the use of the State a sum not exceeding five hundred dollars, to be recovered by action, or indictment in any court of competent jurisdiction. And if any agent stationed, as aforesaid, shall neglect or refuse to open or close said gates, for the safe passing of the engine on the railroad, or the traveller on the turnpike, highway or townway, he shall forfeit and pay, to the use of the State, for every such neglect or refusal, a sum not exceeding fifty dollars, to be recovered as aforesaid; and the railroad corporation shall also be liable for all damages sustained by any person, in consequence of such neglect or refusal of any of their agents, or by any negligent and careless mismanagement of their engines, in an action on the case by the person or persons sustaining such damages.

SECT. 9. That the shares in the capital stock in any railroad corporation may be transferred by conveyance in writing, recorded either by the treasurer, in books to be kept in his office, or by an officer duly authorized for that purpose by the directors, in books to be kept at such other place as they may appoint, within this State. And no conveyance of any such shares shall be valid, to hold the same against the legal claims of any other person or persons than the grantor or grantors, or his or their executors or administrators, unless so recorded. And on the making of such transfer the certificates of the shares transferred shall be given up and cancelled, and new certificates shall be issued to the purchasers of shares, unless some attachment of said shares should intervene, and in that event the issuing of said certificates shall be suspended until said attachment is dissolved, or the shares sold by process of law. And it shall be the duty of every railroad corporation to cause a transcript of the record of all transfers, not originally recorded on the books, kept by the treasurer, to be entered on the books of the said treasurer, within ten days

Liability of
railroad for not
providing bells
and gates.

29 Me., 307.

Shares in the
capital stock,
transferred.

Transfer when
valid.

See law of 1838,
ch. 325.

from the date of the original record. And in case such transcript is not thus entered, the transfer shall not operate to the prejudice of any intervening claims.

SECT. 10. That all acts and parts of acts, inconsistent with the provisions of this act be, and the same hereby are repealed, and this act shall take effect from and after the passing thereof. *Approved March 1, 1836.*

Act to take effect March 1, 1836.

LAWS OF 1836, CHAP. 217.

An additional act concerning corporations.

Be it enacted, &c. That the provisions of the first section of the act entitled "an act concerning corporations" passed February sixteenth, one thousand eight hundred and thirty-six, be and the same are hereby so far extended and enlarged, as to authorize all corporations which have been or may be created by this legislature, or which may be created by any future legislature, to make any by-laws for their own government, the due and orderly conducting of their affairs and the management of their property with the right to establish and affix such penalties and forfeitures for the breaches thereof as may be just and reasonable; and enforce the same, in any court of law proper to try the same. *Approved March 21, 1836.*

Section 1, of act passed Feb. 16, 1836, amended.

All corporations may make by-laws.

LAWS OF 1837, CHAP. 289.

An additional act concerning corporations.

Be it enacted, &c. SECT. 1. That every corporation, which has received a charter, or shall hereafter receive a charter from the legislature of this State, shall be and hereby are required to keep the office of its clerk, together with its records and papers at some place within this State.

Office, records and papers of clerk of every corporation chartered by this State to be kept within this State.

See law 1849, chap 141 and 145.

SECT. 2. That it shall be the duty of the clerk of each private corporation, within twenty days from the time of his appointment, to file a certificate thereof in the office of the register of deeds in the county where such corporation is established, and also in every county in which it shall operate.

Duty of the clerk of each private corporation within 20 days to file with register of deeds a certificate of his appointment.

Approved March 29, 1837.

LAWS OF 1838, CHAP. 325.

An act in relation to the mode of transfer of shares of capital stock of corporate bodies.

Stock of manufacturing, or other corporations, how transferred.

Proviso.

Former acts repealed.
See law of 1836, chap. 204, sec. 9.

Be it enacted, &c. SECT. 1. That stock in any, manufacturing or other corporation, incorporated by a law of this State, the capital stock of which is divided into shares, may be transferred by endorsement and delivery of the certificates thereof; such endorsement being by the signature of the proprietor of such stock, or his or her attorney or legal representative. But the title to such stock shall not pass from such proprietor, until such transfer has been so far entered on the corporate records, as to show the names of all the parties thereto, and the date of the transfer.

SECT. 2. That all acts and parts of acts inconsistent with the provisions of this act be, and the same hereby are repealed.
Approved March 15, 1838.

LAWS OF 1842, CHAP. 9.

An act relating to railroads.

To carry persons and merchandise of other connecting railroads.

In case of refusal other roads may carry over railroads so refusing.
46 Me., 76.

Be it enacted, &c. SECT. 1. That every railroad corporation, owning any railroad upon which cars shall run, is hereby required, at reasonable times, and for a toll not exceeding the ordinary rate, to draw over their road the passenger, baggage, and merchandise cars of any other railroad corporation, which has been or may be authorized by the legislature, to connect their railroad with the road of such corporation.

SECT. 2. Whenever the directors or other managers of such intersected road, shall refuse or neglect to draw over their road the passenger, baggage, and merchandize cars of any other railroad connecting therewith, as aforesaid, the directors of such connecting road shall have the right to draw their said cars, with their own locomotive, over such intersected road, so long as the directors of such intersected road shall refuse or neglect as aforesaid, and no longer; the same being subject, while upon said road, to the same general regulations prescribed by the directors of the intersected road, for the

regulation and management of their own trains; and the directors of such intersecting road being required to provide their own depots, at the termini of said road. And be it further provided, that the road intersected with shall not be liable for any injuries that shall arise to the passengers, baggage, or merchandise, which are transported in the cars of the intersecting road; when said injuries shall arise from any defect in said cars, or negligence, or improper or unskilful conduct, on the part of the managers of the said intersecting road, but in all such cases, shall the damage for said injuries be sustained and paid by the company of said intersecting road.

Injuries to passengers, &c., how paid.

SECT. 3. No railroad corporation shall run or permit to be run, upon their road, any train of cars, moved by steam power, for the transportation of passengers, unless there shall be placed upon the train one trusty and skilful brakeman to every two cars in said train.

One brakeman to every two cars.

SECT. 4. Whenever any engineer, fireman, or other agent of any railroad corporation, or any person employed in conducting the train upon any railroad, shall be guilty of negligence or carelessness, whereby an injury is done to any person or corporation, he shall, upon conviction, be punished by imprisonment in the county jail for a term not exceeding twelve months, or by fine not exceeding one thousand dollars: but nothing in this section shall exempt said corporation from an action in damages to any person or corporation sustaining such injury.

Penalty for negligence.

SECT. 5. When any injury is done to a building or other property of any person, or corporation, by fire communicated by a locomotive engine of any railroad corporation, the said corporation, shall be held responsible in damages to the person or corporation so injured; and any railroad corporation shall have an insurable interest in the property for which it may be so held responsible in damages along its route, and may procure insurance thereon in its own behalf.

Fire, company liable for damages, when.
37, Me., 92; 42 Me., 580; 46 Me., 95; 58 Me., 82; 47 Me., 524.
See laws 1868, ch. 186.

SECT. 6. Every railroad corporation shall erect and maintain substantial, legal, and sufficient fences on each side of the land taken by them for their railroad, where the same passes through enclosed or improved lands; and for neglect or failure

Fences to be maintained.
See laws of 1853, ch. 41, sects. 4 and 20; 1870, ch. 82;

1873, ch. 126;
1875, ch. 17.
29 Me., 307.
See law of 1868,
ch. 186.
59 Me., 520; 60
Me., 245.

to erect and maintain such fences, such corporation shall be liable to be indicted in the district court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiencies of highways. *Approved March 7, 1842.*

LAWS OF 1843, CHAP. 9.

An act providing for the taxing of railroads and railroad property in this State.

Be it enacted, &c. SECT. 1. That all the real and personal property of any railroad company, heretofore incorporated, or which may be hereafter incorporated in this State, shall be held and deemed real estate for the purpose of taxation, and shall be taxed in the several cities, towns, and plantations where such railroad and railroad property may be situated.

SECT. 2. Each and every such railroad corporation shall keep one agent in this State, whose duty it shall be, on or before the first day of May, in the year of our Lord, one thousand eight hundred and forty-three, to furnish the assessors of each city, town, and plantation through which any such railroad may pass, with a certificate attested by his oath, stating the length of such railroad in such city, town, or plantation. Also the expense of making such railroad, together with the costs of depots and lands taken for, and damages awarded in consequence of, such railroad through such city, town, or plantation. Also the then relative value that the whole of such railroad and railroad property bears to the cost thereof. And it shall further be the duty of each such agent annually, on or before the first day of May, to furnish the assessors aforesaid with a like attested certificate stating the then relative value of such railroad and railroad property to the cost thereof.

SECT. 3. The assessors of each city, town, and plantation through which any such rail [road] may pass, shall assess all taxes, highway taxes excepted, thereon, as on other real estate,

Real and personal property, where taxed.
Amended 1845, ch. 165; 1874, ch. 258; 1875, chaps. 16 and 19.

Agent to be kept in this State to furnish assessors with certificates.

Lien for taxes.

and a lien shall be had on all such railroad property, or any part thereof, for all taxes assessed thereon, and in the same manner as on other real estate.

SECT. 4. The assessors of each city, town, and plantation, as soon as they shall receive a statement of the value of such railroad and railroad property from the agent thereof, shall forthwith make out a true and attested copy thereof, and shall forward the same to the secretary of State, who shall on the reception thereof lay the same before the next legislature.

Statement of
value.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed. *Approved March 17, 1843.*

LAWS OF 1845, CHAP. 165.

An act providing for the taxing of railroads and railroad property in this State.

Be it enacted, &c. SECT. 1. That all the real estate of any railroad company heretofore incorporated, or which may be hereafter incorporated, in this State, shall be taxable to said corporation by the several cities, towns, and plantations in which said real estate may lie, in the same manner as the lands and other property owned by private persons, and shall, in the valuation list, be estimated like other real estate of the same quality and value in such city, town, or plantation: *provided, however,* that the track of any railroad belonging to any railroad company incorporated by this State, and the land on which any railroad track is, or may be constructed, shall not be deemed real estate.

Property when
taxed.

SECT. 2. The shares of the respective stockholders in any railroad company in this State, shall be deemed personal estate, and shall be taxable as such to the owners in the places where they reside.

Shares to be
personal estate.

SECT. 3. All railroad corporations, unless it is otherwise provided in their charter, shall keep in a book for that purpose, a regular account of all their disbursements, expenditures, and receipts; and the books of said corporation shall at all times be open to the inspection of the governor and council, and at the expiration of every year the treasurer of every such corporation shall make an exhibit under oath to the legis-

Book of
accounts to be
kept.
Amended 1867
ch. 64; 1874, c.
218.

lature of the disbursements, expenditures, and receipts upon their respective railroads.

Acts repealed.

SECT. 4. All acts and parts of acts heretofore passed providing for the taxing of the track of any railroad or the land on which the same is constructed, as real estate, are hereby repealed. *Approved April 7, 1845.*

LAWS OF 1846, CHAP. 197.

An act for the prevention and punishment of the wilful and malicious obstruction of railroads.

Wilful injury,
how punished.

Amended 1873,
ch. 108.

Be it enacted, &c. SECT. 1. That if any persons shall wilfully and maliciously displace or disadjust any railway switch or rail, of any railroad, or shall break down, rip up, injure or destroy any railroad track, or railroad bridge, or any portion thereof, or place any obstruction whatever on any such rail or railroad track or bridge, with intent that any person or property passing on and over such railroad should be injured thereby, and thereby putting in jeopardy human life, every person so offending shall be punished by solitary confinement in the State prison, for a period not less than thirty days, and by confinement afterwards to hard labor, for a period not less than five years, according to the degree and aggravation of the offence.

Additional
punishment.

Amended 1873,
ch. 108.

SECT. 2. If in consequence of any such wilful and malicious displacing, disadjusting, breaking down, ripping up, injuring, destroying, or placing of any obstruction, as in the preceding section mentioned, with the intent therein set forth, any person passing on and over said railroad, shall actually suffer any bodily harm or any property shall be injured, such actual suffering and injury shall be decreed and taken as an additional aggravation of the offence, and the person offending shall be punished accordingly by such further prolonged confinement to hard labor in the State prison as the circumstances of the case may demand.

If life is lost,
offence to be
murder.

Amended 1873,
ch. 108.

SECT. 3. If any person shall wilfully and maliciously displace or disadjust any railway switch or rail of any railroad, or shall break down, rip up, injure or destroy, any railroad track, or railroad bridge, or any portion thereof, or place any

obstruction whatever on any such rail or railroad track, or bridge, with intent that any person or property passing on and over said railroad should be injured thereby, and if in consequence of such wilful and malicious displacing, disadjusting, breaking down, ripping up, injuring, destroying, or placing of obstructions as aforesaid, any person is killed, or any life or lives lost, every person so offending shall be deemed and taken to be guilty of murder and shall be liable to be indicted and tried for the crime of murder with malice aforethought.

SECT. 4. It shall be the duty of the president of every railroad now or which hereafter may be put in operation in this State, to cause a printed copy of this act to be kept constantly hung or posted up in some conspicuous place in each and every one of their every one of their several depots and station houses for passengers.

Act to be
posted.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor. *Approved July 30, 1846.*

LAWS OF 1847, CHAP. 19.

An act additional respecting corporations.

Be it enacted, &c. That the provisions of sections fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, of chapter seventy-nine of the revised statutes, shall be extended to all corporations, excepting banking corporations and corporations for literary and benevolent purposes, and such as by the common law are termed quasi corporations. *Approved July 28, 1847.*

Provisions of
sections 15, 16,
17, 18, 19 and 20
of chap. 79 of
R. S. of 1840-41
extended to
railroads.

LAWS OF 1848, CHAP. 64.

An act relating to corporations.

Be it enacted, &c. SECT. 1. That it shall be unlawful for any corporation, excepting corporations for literary and benevolent purposes, banking, and such as by the common law are termed quasi corporations, within this State, to make any division of the corporate funds, or property belonging to such corporation, so as to reduce the stock of such corporation be-

No division of
corporate fund
to be made to
reduce the
stock below
par.

low par value, except to close up the concerns of such corporation after all its debts are paid.

Power of court
in certain cases.

SECT. 2. In all cases where any corporation, as aforesaid, has heretofore made, or shall hereafter make any such division of the corporate property, or funds, or of any portion thereof and in all cases where such corporation has corporate property of any kind which is undivided, and which cannot be come at readily to be attached, or which is not attachable, any judgment creditor or creditors of such corporation or his or their attorney, may make complaint thereof to the supreme judicial court, therein setting forth in substance his or their judgment, and alleging the same to be unsatisfied by reason of inability to find corporate property wherewith to satisfy the same; and that he or they have reason to believe and do believe that such corporation has property or rights in action in the hands of its officers or elsewhere, or that such corporation has made division of corporate property or rights in action among the stockholders thereof without first causing the payment of the debts due from such corporation, and therein setting forth the names of such persons as he or they shall allege to have the custody or possession of any such property or rights in action either before or after division thereof as aforesaid; and such person whether officers or stockholders of such corporation or not, may be summoned into said court by having a copy of said complaint duly served upon them fourteen days before the sitting of said court, and they shall be held to make full answer thereto, and a disclosure in writing and on oath of all facts within their knowledge relating to any corporate property, or funds, or rights in action belonging to said corporation and which may be in their hands or in the hands of any other person or which may have been divided among the stockholders of said corporation, as aforesaid; and if any person so summoned as aforesaid shall have the custody of the records of such corporation, he shall be bound to produce the same and to make such extracts therefrom in his answer, as the complainant may require and the court shall direct; and the said court or either of the judges thereof shall have power to hear said answer and dis-

ure, and all other evidence relating to any such property rights in action which may be offered by either party, and thereupon adjudge and determine whether such persons any of them, at the time of the service of said complaint, any property or funds or rights in action belonging to corporation, or which had been divided among the stockholders as aforesaid; or any of said questions (at the request of either party) may be submitted under the direction of the court to a jury to determine; and if said court, either with or without the verdict of a jury, shall adjudge that said corporation has any corporate property, funds, or rights in action, in the hands of its officers or stockholders, so summoned as aforesaid or elsewhere, or has made any division thereof as aforesaid, then said court shall have full power to order and decree that said property, funds, or rights in action shall be held to answer the judgment aforesaid, and to issue all such process to enforce the said order and decree, and to cause payment to be made to the judgment creditor or creditors as aforesaid, as they now have in cases in chancery.

SECT. 3. The court shall have power to allow the amendment of said complaint, by striking out the names of any persons summoned as aforesaid, or by adding the names of any other persons, who shall be summoned into court and held to answer unto said complaint in such manner as the court shall direct, and also to award legal costs to any of the parties to said complaint as justice and equity may require. *Approved August 10, 1848.*

Complaint may be amended.

LAWS OF 1849, CHAP. 141.

An act concerning corporations.

Be it enacted, &c. That whenever any corporation instituted by any law of this State, or any stockholder, owner or member of such corporation, or other person, shall withhold from inspection, at all seasonable hours, the records or books of such corporation from any stockholder, owner, member, or other person interested in such records or books of such corporation, shall neglect or refuse to exhibit the same, after due notice to produce the same for such purpose, such corporation, stock-

Records to be open to inspection of persons interested.

—penalty for
refusing.

Proviso.

holder, member, owner, or other person so withholding, neglecting, or refusing to exhibit, as aforesaid, shall be liable to pay to the party injured thereby, all expenses and damages resulting therefrom; and whenever action shall be pending in any court in this State, wherein the records or books of such corporation may be desired, and such corporation, stockholder, member, owner, or other person or persons, shall withhold the records or books, or cause the same to be withheld, or shall neglect or refuse to exhibit the same, as aforesaid, after due notice and demand for the production of the same, such corporation, stockholder, member, owner, or person, so withholding, neglecting, or refusing, or causing the same to be withheld, as aforesaid, shall be liable to the party injured thereby to pay all costs, charges, expenses, and damages resulting therefrom: *provided, however*, no stockholder, owner, or member, aforesaid, shall be subject to the provisions of this act, unless such stockholder, owner, or member, or other person, has in his custody and possession such records or books, provided said books are beyond his or their control: *provided, further*, that this act shall not effect nor operate upon any cause now pending. *Approved August 15, 1848.*

LAWS OF 1849, CHAP. 145.

An act in relation to the returns of railroad corporations.

Annual returns
to be made.

What to
contain.

Amended 1853,
ch. 41, and 1855,
ch. 171; 1867,
ch. 94, and 1874,
ch. 218.

Be it enacted, &c. SECT. 1. That every railroad corporation shall make an annual report to the secretary of State, of the operations of the year, ending on the first day of January, which report shall be verified by the oath of the treasurer of the corporation, and filed in the office of the secretary of State, twenty days before the annual meeting of the legislature, and shall state, first, the length of the road in operation, the length of single track, the length of double track, the time when laid, and the weight of the rail per yard; second, the capital stock, and the amount called and paid in; third, the whole cost of the road, showing the amount expended for the purchase of lands, for grading, for expenses of engineering, for bridging, for masonry, for iron, for passenger and other cars; fourth, the amount and nature of its indebtedness and the amount

due to the corporation; fifth, the number of through and way passengers and the rate of fare; sixth, the amount received for the transportation of passengers, of property, of the mails, and other sources; seventh, the number of depots, engine houses, shops, engines, and cars; eighth, the number of miles run by passenger, freight, and other trains respectively, and the average rate of speed; ninth, the whole number of stockholders, and the number who reside in this State; tenth, the amount of each dividend, and when made; eleventh, the amount charged for depreciation of road and other property; twelfth, the number of persons injured in life or limb, the cause of injury, and whether passengers or persons employed; thirteenth, whether any such accidents have arisen from carelessness or negligence of any person in the employ of the corporation, and whether such person is retained in the service of the corporation.

SECT. 2. It shall be the duty of the secretary of State, to arrange the information which may be contained in such reports in a tabular form, and prepare the same in a single document, for the use of the legislature at the commencement of its session.

Duty of secretary of State
Amended 1851
ch. 171.

SECT. 3. This act shall take effect and be in force from and after the first day of January, in the year one thousand eight hundred and fifty-one. *Approved August 15, 1849.*

Act to take effect Jan. 1 1851.

LAWS OF 1850, CHAP. 203.

An act in relation to railroad companies.

Be it enacted, &c. SECT. 1. All railroad companies now chartered, or that may hereafter be chartered by the State, shall pay all fees and other expenses of the county commissioners which shall hereafter be incurred in the settlement of questions between said companies and the owners or occupants of lands through which said railroads are located; *provided, however,* that when an appeal from the decision of the county commissioners is taken to a jury upon the question of damages the losing party shall pay the costs of said appeal.

Railroad companies to pay fees of county commissioners.
See law of 1850, ch. 107, establishing fees of commissioners.
60 Me., 285.
Proviso.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved August 29, 1850.*

LAWS OF 1852, CHAP. 220.

An act in relation to bonds issued by railroad corporation

Power to issue bonds for certain purposes.

Amended 1856, ch. 248; 1857, ch. 57.—See laws 1864, ch. 238, sect. 5; laws of 1864, ch. 265; 1866, ch. 25; 1868, ch. 208; 1871, ch. 198.

Bonds issued, amount of, &c.

Be it enacted, &c. SECT. 1. Every railroad corporation within this State, shall have power to issue its bonds for the purpose of building or furnishing its road, or paying a contracted in the building and equipment of the same, at an interest not exceeding six per cent. per annum, secured in such manner as they may deem expedient.

SECT. 2. Bonds issued under the provisions of this act, shall not be for sums less than one hundred dollars; and bonds issued by any company under this act, shall be valid and collectable in law, notwithstanding that the bonds are negotiated and sold by such corporation at less than the par value thereof.

SECT. 3. This act shall take effect on and after its publication by the governor. *Approved January 30, 1852.*

LAWS OF 1852, CHAP. 247.

An act concerning railroads.

Railroads, assignment of charter, &c., prohibited, without authority of the legislature.

See law of 1869, ch. 193.

Lease, assignment, &c., declared void.

Duty of attorney general.

Be it enacted, &c. SECT. 1. It is hereby declared that no railroad company has or shall have a right to assign its charter, or any of its privileges, immunities or franchises, without the express authority of the legislature therefor; nor shall any railroad company, without such express authority, lease its road or any portion thereof, or grant the use and enjoyment thereof or any portion of the same to any other person or corporation, or in any way grant the use, possession, or control of the same to any other party or corporation, or in any way place the control and management of the said road in the hands of any other officers or parties than those contemplated by the charter; and any such lease, contract, agreement or transfer heretofore or hereafter made is hereby declared to be null and of no effect; and it shall be the duty of the attorney general, on suggestion or request of any person complaining of a violation of the provisions of this act by any such corporation, to file an information, in the name of a quo warranto, against said corporation, before

some judicial court, said court is and authorized to pass such judgment, order or decree, as to justice and equity may appear in all such cases; *and provided*, that nothing in this act shall extend to any agreement for the lease of the Somerset and Kennebec Railroad to the Kennebec and Portland Railroad on the terms mutually agreed on by the stockholders in either of said companies; nor to affect any mortgage made for securing the debts of any corporation, or with any portion of the Atlantic and St. Lawrence Railroad which lies within the limits of New Hampshire and Vermont.

Authority of
supreme judicial court.

Proviso.

Contracts, &c.,
of certain rail-
roads, not
affected.

SEC. 2. This act shall take effect in six months from and after its approval by the governor. *Approved April 13, 1853.*

LAWS OF 1853, CHAP. 41.

An act concerning railroads.

Be it enacted, &c. SECT. 1. It shall be the duty of every railroad company on whose road any accident shall occur which shall result in the death of any person, to give immediate notice to the county attorney, whose duty it shall be to forthwith upon some coroner of the county, whose residence is near the place where such accident shall occur, to take an inquest upon view of the dead body or bodies of such persons who shall have come to their death by such accident, in the manner provided by the revised statutes of this State; *provided, however*, that if the county attorney shall reside more than ten miles from the place of such accident, said railroad company shall first call upon some justice of the peace in the county, to notify a coroner to hold such inquest, and then forthwith notify the county attorney as aforesaid, that he may be present at the hearing before said coroner.

Death by acci-
dent on rail-
roads, duty of
company.

See law of 1868,
ch. 179.

Proviso.

SEC. 2. Any person in charge of a locomotive engine, or acting as the conductor of a car or train, or as brakeman, or switchman, in the employment of any company, who shall be intoxicated while so engaged on the railway, shall be deemed guilty of a misdemeanor, and liable to fine not exceeding one hundred dollars or imprisonment not exceeding six

Penalty, if
officers in
charge of train,
&c., become
intoxicated.

months, or both, at the discretion of the court before he may be tried.

SECT. 3. Railroads shall not be carried along any highway, but must cross the same in the line of the road, unless leave be obtained from the town or city through which the same shall pass. And no railroad shall be located along any county road, until the place, manner and condition of such crossing shall have been ordered and determined, in writing, by the county commissioners, and recorded in the commissioners' office. And before such determination is made, reasonable notice of the time and place of hearing upon the same shall be given to the selectmen of the town in which the said crossing is proposed to be made. And no railroad shall cross any street of a city, not a county road, without the written assent of the mayor and aldermen of the city, which written assent shall determine and state the manner and conditions upon which such crossing may be made; and shall be recorded in the county commissioners' office. And every such crossing made contrary to the foregoing provisions, shall be considered a nuisance, and liable to all the provisions of law relating to nuisances, and the directors of the company, making the same, shall be personally liable therefor. And all fees of the county commissioners, for the services herein specified, shall be paid by the company; *provided, however*, that if the directors of any railroad company shall be dissatisfied with the decision of the county commissioners with regard to the crossing of a county road, the governor may, upon the written application of said directors, appoint in writing three disinterested persons, not residents of the county where such crossing is proposed to be made, who shall, after notice to said commissioners, at the expense of said company, proceed to revise such decision, and to adjudicate upon the subject matter thereof, and the adjudication, signed and recorded in the office of said county commissioners, shall be final.

SECT. 4. No railroad company shall enter upon, or take possession of, any real estate, for the purposes of their road, except for surveys, until the location of said road over said estate shall have been legally made, and filed in the office of the

Railroads not to pass along highways.

See law of 1871, chap. 186.

—crossing highways, &c., regulation of.

45 Me., 560; 47 Me., 34; 49 Me., 156; 51 Me., 313; 57 Me., 117; 58 Me., 46.

Liability for violation.

Proviso.

Decision of county commissioners may be revised.

Taking of real estate by railroad companies.

40 Me., 557; 43 Me., 356; 47 Me., 446.

VS.

the court in
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commissioners; and when such location shall have been
 the said commissioners shall, before said company shall
 any right to use said estate for the purposes of said com
 after giving at least fourteen days' notice to the owner
 need to view and examine such location, and shall allow
 approve the same, and shall make their adjudication
 upon a matter of record; and shall further, if requested
 owner, order said company to give security for dam
 according to the provisions of the sixth section of the
 first chapter of the revised statutes, and such security
 given accordingly. Before any work of the construction
 the railroad shall be commenced upon the land so loca
 the railroad company shall, at their own expense, make
 cient fence upon both exterior lines of the land so loca
 or across any fields, pastures or wood-lots appertain
 ings, which fence they shall keep in good order and
 during all the time the work of such construction is
 upon such location. And for all acts done by any
 any, its servants, agents, or contractors, contrary to the
 provisions of this section, the directors of such company shall
 personally liable, both jointly and severally, to the same
 in the same manner as if said acts were performed
 themselves; and an action therefor, against all or any
 of said directors, shall be maintained in any court
 competent jurisdiction.

SECT. 5. No person who has suffered damages by the
 on of any railroad, and is entitled to compensation therefor
 who may hereafter suffer damages by any such loca
 shall be entitled to such compensation, shall be barred
 claim, nor shall any rights whatever be acquired
 if no proceedings shall have been, or shall be, insti
 under the provisions of chapter eighty-one of the re
 statutes to ascertain and determine such damages, withi
 ne specified in the fourth section of said chapter, o
 hereafter provided; but any such person shall be enti
 suit at law, as in case of trespass, or disseizin; and
 have a further remedy, as is hereinafter provided.

SECT. 6. All railroad companies shall be liable for t

Railroad companies liable for trespass, &c., by contractors.

59 Me. 520; 62 Me. 437.

Proviso—
notice of damage to be given.

Right of action, &c., against persons committing trespass.

Extent of liability.

Damages, how recovered.

56 Me., 531.

Writ of injunction.

upon, and injuries to, lands or buildings adjoining to, or in the vicinity of, their respective roads, by any contractor, or person in the employ of any contractor, or other person in the employ of any such company, in an action appropriate to such trespass, or injury, in the same manner, and to the same extent, as if such trespass or injury were done, or occasioned by the direct and specific order of said company; *provided*, that the party claiming damages shall, within sixty days after the damage is sustained, give notice to the company from which said damages are claimed; *and provided also*, that nothing herein contained, shall be construed to bar, or affect, any remedy, or right of action, against the person by whom such trespass, or injury, was done or occasioned, and that the liability of such companies shall not extend to acts of wilful and malicious trespass.

SECT. 7. In all cases where damages have been heretofore ascertained and determined by the county commissioners against any railroad company, or where damages may hereafter be ascertained and determined against any such company as aforesaid, and where the proceedings in any such case shall have been closed before said commissioners, if the amount thus ascertained shall not be paid, or tendered, by such company, within thirty days after the same shall have been demanded of said company, the person to whom damages may have been awarded as aforesaid, or who may be legally entitled to receive the same, may file a bill in equity before the supreme judicial court in the county where such damages were ascertained and determined, in term time, or in vacation, setting forth the facts in the case, and praying for an injunction against said company, its servants, agents, grantees, lessees, and all other persons whatsoever; and any judge of said court may, after summary notice to said company, and to such other person or persons as said judge may see fit to order notice upon, on proof of the facts aforesaid, and without requiring any bond of the complainant, issue a writ of injunction, according to the course of equity proceedings, prohibiting and enjoining said company, its servants, agents, grantees, lessees, and all other persons whatsoever.

om using or occupying any lands for which the damages
 ave not been paid as aforesaid, for the purposes of said road,
 for any other purposes whatever, until such damages and
 l interest and costs, and all the costs of such injunction,
 all have been fully paid and satisfied. And said bill being
 ily entered in court, and continued for one term thereof after
 ch injunction shall have been decreed, and duly served upon
 id company, and all others named as defendants in said bill,
 e said court may, at the term thereof to which said bill shall
 ave been continued as aforesaid, if said damages and costs
 all not then have been paid, make said injunction absolute.
 and all rights whatever, in any lands for which the damages
 ave not been paid, and concerning which such proceedings
 all have been had, and all rights of property in and to the
 perstructure of said road, and other erections, over and
 pon said lands, and the materials composing the same, in
 ny person, or persons, other than the owner of said lands,
 all thenceforth cease, and the owner of such lands may
 maintain any appropriate action at law for, or in reference
 hereto, in the same manner, and to the same extent, as in
 ase of trespass, or disseizin. And nothing herein contained
 all bar, or in any manner limit, any legal rights which any
 wner of lands might have, if this act had not been passed.

—absolute.

Rights to land,
&c., to cease.Not to bar the
legal rights of
any owners of
land.
58 Me., 279.

SECT. 8. If any railroad company, its servants, agents,
 rantees, lessees, or other persons, shall, after the service of
 uch injunction, either preliminary or absolute, continue to
 se and occupy the lands aforesaid, for any purpose, the said
 ourt may, at any term thereof, on motion of the complain-
 nts in any such bill, order the directors of any such company,
 r any other person, by, or under whom, said lands may have
 een so used and occupied, to show cause, at a time to be
 xed by said court, why a decree should not be entered and
 xecution issued against them, or either of them, and their
 ividual goods and estate, for the amount of all damages,
 nterest, and costs as aforesaid, and for such additional dam-
 ges and costs as said court may order and decree for breach
 f the injunction as aforesaid; and upon service and return
 f such order the court may enter such decree for damages

Breach of
injunction,
proceedings in
case of.

and costs as may be a just and equitable remuneration to the complainants, against all or any of such directors and other person or persons, or either of them, as their individual or official action or neglect, and the nature of the case, may justify and require, and issue execution therefor, against any or all such persons, either jointly or severally. And nothing herein contained shall be construed to limit or affect the right of said court to proceed against any person or persons for breach of any such injunction, as in other cases.

Persons interested, not owners, in lands, entitled to remedy.

SECT. 9. Any person, not the owner of lands taken by any railroad company under the provisions of its charter, and of the eighty-first chapter of the revised statutes, but who may have a direct interest in the use or occupation of any such lands, for any purpose or to any extent, shall be entitled to all the remedies provided for the owner of lands taken as aforesaid.

Non-performance of awards, &c.

SECT. 10. Whenever any railroad company has been, or may hereafter be, required by any award or estimate of damages, upon which all proceedings have been or may be closed, to do or perform any act, or to omit the doing or performing any act, and the same shall not be done within a reasonable time after notice and request, or shall hereafter be done contrary to said award, as the case may be, the person suffering damages as aforesaid, shall be entitled to all the remedies hereinbefore provided.

Any persons entitled to damages may have remedy by injunction.

SECT. 11. In all cases where no proceedings have been, or shall be, instituted within the time limited in chapter eighty-one of the revised statutes, or as is hereafter provided, to ascertain and determine the damages as aforesaid, any person entitled thereto may have the remedy by injunction, provided in the seventh section of this act; and the court may, if the same is prayed for in said bill, proceed to ascertain the damages which such person has suffered by the acts and doings of any such railroad company, or any other person or persons defendants in said bill, and to make a decree, and issue execution accordingly. And any such complainant shall be further entitled to all the remedies for breach of any injunction hereinbefore provided.

SECT. 12. In all cases where the time limited in the fourth section of chapter eighty-one of the revised statutes shall have expired before this act takes effect, or within six months thereafter, and no proceeding shall have been commenced under said act to ascertain and determine the damages therein referred to, one year from and after the day when this act shall take effect as aforesaid, shall be allowed for that purpose.

Limitation in cases where proceedings have not been commenced.
44 Me., 144.

SECT. 13. In all cases where proceedings have been, or may hereafter be, instituted for the recovery of damages, under the provisions of the eighty-first chapter of the revised statutes, within the time specified in the fourth section thereof, which proceedings have failed, or may hereafter fail, of judgment, for any error or informality, or other cause not affecting the merits of the application on which such proceedings are founded, one year from and after the approval of this act, for cases occurring before such approval, and one year from and after such failure, for cases that may hereafter occur, shall be allowed, wherein to institute new proceedings. And a judgment obtained upon any such new proceedings shall have all the incidents provided by law for proceedings instituted within the time specified in said fourth section.

—have been commenced.
Refers to laws of 1836, chap. 204, sect. 1.
See R. S. of 1857, chap. 51, sect. 6.

SECT. 14. Where county commissioners shall make their report upon any question of damages occasioned by taking lands for the purposes of a railroad, and the same shall be duly recorded at a regular term of the court, it shall be the duty of the clerk of such court forthwith to notify all parties interested therein, that such report has been made and recorded, giving to each notice of the amount awarded to him; which notice shall be given to parties within the State, whose names and places of residence are known, by service of such notice upon them, or their attorney of record, by an officer, and upon parties living without the State, and having an attorney of record, by service upon such attorney; and in all other cases, by causing such notice to be inserted three weeks successively in some newspaper published within the county. And the expense of such notice shall be added to the costs of the proceedings in the case, and paid accordingly. And if no petition for redress shall be filed in the office of the county

Award of damages by county commissioners, notice of, how given, &c.
Amended 1861, chap. 3.
60 Me., 285.

commissioners within thirty days after such notice, the proceedings in such case shall be closed. And if the party by whom such petition for redress is presented shall fail to prosecute the same before the regular term of the court holden next after said petition is filed, the said commissioners may, on motion of the other party, and unless good cause is shown why the same should not be done, order the proceedings in the case to be closed, and make their final decree thereon, and such petition for redress shall not be afterwards entertained.

Commissioners may order proceedings closed in certain cases.

SECT. 15. Where a report has heretofore been made, or shall hereafter be made, by county commissioners, on an application to determine the damages occasioned by taking lands for railroad purposes, under the provisions of law, and the proceedings on such applications have been, or may be closed, a deposit by any railroad company, with the clerk of said court, of the amount allowed for said damages, with interest thereupon from the time of record of such report, and of such costs as may be allowed thereby, with all other legal costs, shall be a full satisfaction of such claim for damages; *provided*, no demand shall have been previously made therefor, and payment refused or neglected.

Claim for damages, how satisfied.

SECT. 16. The security provided for in the sixth section of the eighty-first chapter of the revised statutes, and by this act, shall be a deposit of specie or the notes or obligations of a State or public corporation, unless the person for whose benefit such security may be required shall consent that other security may be received; and such deposits shall be made with the clerk of the court requiring the same, and shall be at the risk of the company making the same. And so much of said specie as may be sufficient to satisfy the judgment recovered shall be paid over to the party entitled to receive the same in satisfaction of such judgment. And such notes or obligations shall be delivered by such clerk to the officer having the warrant of distress issued upon any such judgment; and shall be by him sold thereon in the manner provided by law for the sale of personal property on execution, and the proceeds appropriated in satisfaction of said warrant and his fees, and the balance, if any, shall be paid to the treasurer of the company.

Deposit of security.

Refers to law of 1836, chap. 204, sect. 2.

—how appropriated.

by which the same were deposited. And if any railroad company shall neglect or refuse to give any such security for more than thirty days after the same has been required by the county commissioners, the party for whose benefit the same is required shall be entitled to all the remedies by injunction provided by this act.

Proceedings in case of neglect, &c., to give security.
See law of 1861, chap. 3.

SECT. 17. Service of any bill, subpoena, notice, order, injunction, or decree, provided for in this act, may be made upon the president of any company, and if there be no president, upon any other officer thereof, and if there be no officers, then upon any stockholder. And service of any writ of injunction issued under the provisions of this act upon any person, whether a party to the bill or not, shall be binding upon him, and he shall be liable to all the consequences and penalties herein provided, for breach of such injunction.

Service of precepts, how made.

SECT. 18. The annual reports of railroad corporations, required to be made to the secretary of State as provided in chapter one hundred and forty-five of the statutes of eighteen hundred and forty-nine, of the operations of the year ending on the first of January, shall be made within the month of February in each year, instead of the time now required by law. It shall be the duty of the secretary of State to prepare the necessary printed blank forms for such return, and forward a suitable number of copies thereof to the several railroad companies in the month of November in each year. If any railroad company shall wilfully refuse or neglect to make such return, they shall be liable to a fine of one thousand dollars to the use of any party suing for the same.

Annual report to secretary of State.
See laws of 1849, chap. 145. Amended 1867, chap. 94, and 1874, chap. 218.

Blank forms for returns.

Penalty for neglect to make return.

SECT. 19. Every railroad corporation in this State shall, in the month of September in each year, agree upon and fix their rates or tariffs of toll for the transportation of timber, bark, and wood, which may be rated by the thousand feet or by the cord or ton per mile. Such corporation shall, on the first day of October in each year, post up at all the stations and depots on their road, a copy of such rates or tariffs of toll, and shall cause said copy to remain so posted through the year; and if such corporation shall neglect to post up as aforesaid, or shall for one year after the rates of toll are posted as aforesaid,

Tolls, regulation of, &c.
See law of 1872 chap. 84.

charge or receive any higher rates of toll than shall be fixed upon and posted as aforesaid, such corporation shall forfeit and pay the sum of one hundred dollars to any person who may sue for the same, said forfeiture to be recovered in any appropriate action and before any court competent to try the same.

SECT. 20. Whenever by the provisions of the charter, or of any statute, a railroad company is bound to make or maintain fences bordering on such road, and said company shall neglect or refuse to make and maintain such fence, whereby, the owner of lands through or by which said railroad passes, is liable to suffer damage by reason of such neglect, such land owner may notify the superintendent of said railroad company, by giving thirty days notice in writing, that such fence has not been made, or if made is in bad repair, and in case the company shall refuse or neglect, for thirty days after such notice has been given as aforesaid to make and maintain such fence, they shall forfeit and pay to the land owner the sum of one hundred dollars for each month they shall refuse or neglect to make and maintain such fence, after the expiration of said thirty days, said forfeiture to be recovered in any appropriate action and before any court competent to try the same.

SECT. 21. This act shall take effect and be in force in thirty days from and after its signature by the governor. *Approved March 30, 1853.*

LAWS OF 1853, CHAP. 44.

An act concerning the effects of passengers transported by railroad corporations and other common carriers.

Be it enacted, &c. SECT. 1. Every railroad corporation and the proprietors of every steamboat in this State, engaged in the transportation of passengers, shall, in the months of January and July in each year, publish a discription list of all trunks, carpet bags, valises, parcels, and passengers' effects whatsoever, which may at any time have been left, and shall on such day remain unclaimed at any passenger station or office, or otherwise in the possession of such corporation, or

Fences.

See law of 1842, chap. 9; 1853, chap 41, sect. 4; 1870, chap. 82; 1871, chap. 218; 1873, chap. 126; 1875, chap. 17. 39 Me., 276.

Unclaimed baggage, advertisement of.

GENERAL RAILROAD LAWS.

proprietors, or their agents, the said list to indicate all such specific marks as may serve to identify the same, said publication to be made in one newspaper at least in every county of the State, in which such railroad corporation or steamboat proprietors may have a passenger station or office.

SECT. 2. If, at the expiration of six months after such advertisement as aforesaid, any of the articles so advertised shall still remain unclaimed, then the railroad corporation, or steamboat proprietors, in whose possession they may be, shall give notice to the mayor or aldermen of the city, or the selectmen of the town, in which respectively such articles may be ; and the said mayor and aldermen, or the selectmen shall cause the said articles to be examined, and may either order them to be sold at public auction, first advertising them in manner and place aforesaid, or may in their discretion order the said articles or any of them to be again advertised, and to remain another six months before being sold.

—how disposed of.

SECT. 3. The proceeds of all articles thus sold, after deducting the costs of storage, advertising and other expenses due to the railroad corporation or steamboat proprietors, aforesaid, and also the cost of the said examination and sale, shall be paid over to the treasurer of the State for the use of the same.

Proceeds of sale.

SECT. 4. If any such railroad corporation or steamboat proprietor shall neglect or omit so to advertise and cause to be examined any such passengers' effects left as aforesaid, such corporation and proprietors, respectively, shall be subject to an action for damages on the part of any person aggrieved thereby, and shall also be subject to a penalty of one hundred dollars for each and every case of neglect or omission, to be recovered by process in any competent court, and to enure, one-half to the complainant, and the other half to the county in which the case occurs.

Penalty for neglect to advertise, &

SECT. 5. Whenever any action shall be brought by the passenger against any railroad corporation, steamboat proprietors or other common carriers, to recover damages for any trunk, carpet bag, valise or other parcels missing, lost, damaged or destroyed, or for the contents thereof, and when the plaintiff shall, at the trial of such action, have made proof of the bail-

A description of list of articles lost may be in evidence

Proviso.

ment of the said trunk, carpet bag, valise or other parcel to such railroad corporation, steamboat proprietor or other common carrier, or their agents, and of the subsequent loss, destruction, or damage of the same or of the contents thereof, by the fault of such carrier or of the agents of such carrier, then the plaintiff shall be allowed to put in evidence in the case, a description list, sworn to by him, of so much of the contents of such trunk, carpet bag, valise or other parcel, as may consist of convenient wearing apparel and other traveling equipage of the party, *provided* that in such case, the defendant in the action may interrogate the plaintiff as to the contents of such trunk, carpet bag, valise or other parcel, and the value thereof; *and provided further*, that the testimony of the plaintiff, when so received, shall be subject to the same exception of law, in other respects, as that of any other witness. *Approved March 30, 1853.*

LAWS OF 1854, CHAP. 93.

An act to provide a tribunal for regulating the joint business of railroad companies.

Railroad connections and fares, in case of disagreement of companies, how determined.

46 Me., 69, 77.

Be it enacted, &c. SECT. 1. Whenever any railroad companies which have been or may hereafter be chartered by the legislature, shall fail to agree upon terms of connection, or the rates at which passengers and merchandise coming from the one shall be transported over the other, the supreme judicial court holden at any term in any county in which either of such connecting roads shall be located, on application of either party, and after such notice to the other as the court shall direct, shall appoint three commissioners to determine the matter.

Award of commissioners.

SECT. 2. Said commissioners shall upon due notice to the parties interested, and after hearing the same, proceed to determine and award, in writing, upon the matter submitted, and prescribe the things to be done and performed by the parties or either of them. The award of said commissioners or a majority of them, shall be returned to the supreme judicial court in the same county where the application was made, and shall be there accepted and recorded, unless the court

or cause shown, shall order the same to be recommitted for further hearing and determination. And upon the acceptance of such award, it shall be binding upon the respective parties interested in the same, until a new award shall be made upon further application; but no application for a new award shall be entertained until the expiration of one year from the day of the acceptance of the preceding award.

SECT. 3. The court shall have power to prescribe the mode of proceeding by said commissioners, and shall issue all such processes as may be necessary to secure the due execution and performance of any award made and accepted under the provisions of this act. *Approved April 18, 1854.*

Mode of proceeding of commissioners, court may prescribe.

LAWS OF 1854, CHAP. 107.

An act in addition to an act concerning railroads.

Be it enacted, &c. SECT. 1. Any person who shall fraudulently evade or attempt to evade the payment of any toll or fare lawfully established by any railroad or steamboat corporation, either by giving a false answer to the collector of the toll or fare, or by traveling beyond the point to which he may have paid his toll or fare, or by leaving the train without having paid the toll or fare established for the distance traveled or otherwise, shall, upon conviction thereof before any justice of the peace in any county where such offence may have been committed, be punished by a fine of not less than five or more than twenty dollars for every such offence, together with the costs of prosecution; and no person who shall not on demand, first pay such established toll or fare, shall be entitled to be transported over said railroad.

Toll on railroads and steamboats, penalty for evading.

SECT. 2. The fees and compensation to county commissioners, when employed in estimating damages for the laying out of railroads, or other services in relation to railroads, shall be the same as are provided by law for like services in laying out or altering highways. *Approved April 20, 1854.*

Fees of county commissioners for estimating damages for laying out railroads, established.

60 Me., 285.

LAWS OF 1855, CHAP. 161.

An act concerning the liability of railroad corporations and other passenger carriers for loss of life in certain cases.

Railroad corporations, &c., liable for misconduct of agents, &c.
60 Me., 145 and 490; 61 Me., 114.

Penalty for loss of life of passengers.

—how recovered.

—for loss of life of persons not passengers.
60 Me., 145 and 180; 61 Me., 114.

Exceptions.

Be it enacted, &c. SECT. 1. If by reason of the gross negligence, carelessness or unfitness of the servants or agents of any railroad corporation in the State, or over any draw-bridge which crosses any stream or harbor in this State, while engaged in the business of such corporations, or by reason of the negligence or carelessness of such corporation, or of the proprietor or proprietors of any steamboat, stage-coach or of common carriers of passengers, or by the unfitness or gross negligence or carelessness of their servants or agents, in this State, while engaged in the business thereof, the life of any person being a passenger shall be lost, such person being in the exercise of due care and diligence, such railroad corporation, such proprietor or proprietors and common carrier shall be liable to a fine, not exceeding five thousand dollars, and not less than five hundred dollars, to be recovered by indictment, to the use of the executors or administrators of the deceased person, for the benefit of his widow and children, one moiety thereof to belong to his widow, and one moiety to his children; but if there shall be no children, the whole to his widow; and if no widow nor child, the whole to his heirs at law.

SECT. 2. If by reason of the gross negligence, carelessness or unfitness of the servants or agents of any railroad corporation, in this State, while engaged in the business of such corporation, or by reason of the negligence or carelessness of such corporation, the life of any person not being a passenger or employee of such corporation, shall be lost, such person being in the exercise of due care and diligence, such corporation shall be liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars, to be recovered in the manner, and to the use provided by the preceding section of this act.

SECT. 3. No railroad corporation shall be liable to the extent mentioned in the preceding section for the loss of life by any

while walking or being upon any railroad contrary to the reasonable rules and regulations of such corpo-

4. All indictments for loss of life, provided by this act, shall be prosecuted within one year from the death of the person whose life is so lost.

Prosecutions,
when to be
commenced.

5. Any person who shall, without right, knowingly enter or walk on any railroad track, or pass over any railroad within this State, on foot, or with a horse and carriage, in any other manner except by a railroad conveyance, shall be liable to a penalty of not less than five dollars, nor more than twenty dollars, to be recovered to the use of the State, by complaint before any justice of the peace, or municipal or county court, in the county, where the offence is committed, and such act shall not affect such railroad bridges, as have been specially constructed to accommodate ordinary travel, but under such limitations and restrictions as the county commissioners of the county or counties in which they are located, may impose.

Penalty for
walking, &c., on
railroad track.

Certain cases
excepted.

6. Each and every railroad corporation, chartered by this State, shall, within two months after the passage of this act, post up and keep posted up in a conspicuous place, in every passenger depot, constructed and used by them, a printed copy of the preceding section of this act, and every such corporation, that shall neglect so to do, shall be liable to a fine not exceeding one hundred dollars, for every such offence, to be recovered by indictment, in any court of competent jurisdiction.

Duty of rail-
road corpora-
tions to post up
copy of 5th sec-
tion of this act

7. If any railroad corporation shall run their engine, or train, across any public highway in or near any part of any town or city in this State, at a greater speed than six miles per hour, or if any such corporation, or their agents, or servants, shall unreasonably and negligently obstruct any highway, townway, or public street in this State with their engines, tenders or cars, such corporation shall be liable to a fine, not exceeding one hundred dollars for every offence, to be recovered by indictment in any court of competent jurisdiction. *Approved March 16, 1855.*

Railroad cross-
ings, speed of
engines, &c.,
prescribed.
59 Me., 189.

LAWS OF 1855, CHAP. 171.

An act to amend "an act in relation to the returns of railroad corporations."

Returns of railroad corporations, when to be prepared in tabular form for the use of legislature.

Chap. 145 of laws of 1849 amended.

Be it enacted, &c. SECT. 1. Section second of "an act in relation to the returns of railroad corporations," approved August fifteenth, eighteen hundred and forty-nine, is here amended by striking out, in the fourth line, the words "at the commencement of," and inserting instead thereof the words "during," so that said section, as amended, will read as follows:

SECT. 2. It shall be the duty of the secretary of State to arrange the information which may be contained in such reports, in a tabular form, and prepare the same in a single document for the use of the legislature during its session. *Approved March 16, 1855.*

LAWS OF 1856, CHAP. 248.

An act additional to an act entitled "an act in relation to bonds issued by railroad corporations," approved January thirtieth, eighteen hundred and fifty-two.

Actions of assumpsit on coupons, issued with bonds by corporations and assigned apart from such bonds, may be maintained in the name of the holder.

Be it enacted, &c. SECT. 1. That in all cases, where bonds are issued with coupons for interest thereon, have been or shall be issued under the act to which this is additional, or under any other act or law of this State, by any railroad corporation or any other corporation or quasi corporation, within this State, and any such coupons or any one or more of them shall have been or shall hereafter be transferred and assigned, apart from the bonds to which they were attached, or with which they were issued as aforesaid, any holder for a valuable consideration of any such coupon or coupons thus issued and assigned, may maintain any action of assumpsit, which has been or shall be brought upon any such coupon or coupons thus held by him, in his own name against any corporation that may have issued the same, for the recovery of the amount thereof.

Defence in such suit on ground of usury regulated.

Amended 1871, chap. 198.

SECT. 2. No corporation named in this act, in any action brought upon any such bond or upon any such coupons, shall plead in defence upon the ground of usury, by reason of such bond or coupon having been negotiated or sold by such corporation at less than the par value thereof.

SECT. 3. If in any action of assumpsit brought by the holder or assignee of any such coupon or coupons now pending in any court, the corporation against which the same may be pending, shall, at the time of the passage of this act, have entered in court any plea or statement based upon the defence that such action could not be maintained, the plaintiff in such action, shall recover no costs which may have accrued prior to the passage of this act.

Actions pending, how affected by plea of such defence.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor. *Approved April 4, 1856.*

LAWS OF 1857, CHAP. 14.

An act to secure the safety of passengers at railroad crossings.

Be it enacted, &c. **SECT. 1.** Whenever any railroad now constructed, or which shall hereafter be constructed, crosses or is crossed by any other railroad, at the same grade, it shall be the duty of every engineman on both of said railroads, when approaching the point of intersection, with an engine attached to a train, or running without a train, before reaching such crossing to stop his engine at some point within the distance of five hundred feet of such crossing, and when he resumes his course to pass at a rate not exceeding eight miles an hour over such crossing; and when two or more crossings of the same railroad are situated within four hundred feet of each other, one stop shall suffice for both.

Regulations at railroad crossings.

Amended 1870, chap. 199, and 1874, chap. 164.

SECT. 2. For every violation of this act, the engineman offending shall forfeit and pay the sum of one hundred dollars, and the corporation, on whose railroad such offence shall be committed, shall forfeit and pay the sum of two hundred dollars, to be recovered by indictment in the county where the offence was committed.

—penalty for violation of.

SECT. 3. This act shall take effect and be in force from and after the first day of May, in the year of our Lord one thousand eight hundred and fifty-seven. *Approved March 21, 1857.*

LAWS OF 1857, CHAP. 57.

An act providing for the foreclosure of certain mortgages given to secure the payment of bonds and coupons, issued by railroad corporations.

Breach of conditions of mortgage.

See laws of 1858, chap. 30. 59 Me., 9.

Be it enacted, &c. SECT. 1. Whenever a railroad corporation shall have mortgaged its railroad and franchise to secure the payment of any of its bonds or coupons, and such mortgage was made directly to the holders of such bonds or coupons, or to trustees for their use, the refusal or neglect to pay any such bond or coupon within ninety days after its maturity, (subsequent to its pay day,) to the treasurer or agent for payment, shall be deemed a breach of the conditions of the mortgage.

—bondholders may direct trustees to take possession of the road.

SECT. 2. Upon the breach of such condition, it shall be the duty of the trustees to call a meeting of the holders of such bonds, secured by the deed creating said trust, any of which bonds or coupons have been dishonored, by giving notice of the time and place of such meeting, three weeks successively, in the newspaper published by the State and in some newspaper published within the county in which the road extends, the last publication to be at least one week before the time of such meeting. The bond holders assembled at such meeting shall have the power to organize, to choose a moderator, and of a clerk, and to determine regarding to the expediency of the trustees entering into possession of such road for the purpose of running and managing the same on their behalf. At such meetings each holder of such bond secured by the mortgage, either in person or by proxy, shall have one vote for every hundred dollars of bond owned or represented. It shall be the duty of the trustees, (provided they shall be so instructed by the holders of the bonds secured by the mortgage,) and they are hereby authorized, when it shall be proved to them that the coupons or bonds secured by the mortgage to them, have been, and remain dishonored, without further process, or by action at law, to enter into and take possession of such road, and of all the rolling stock and fixtures on the same.

Bondholders entitled to one vote for every \$100.

Trustees to take possession of road when directed by bondholders.

54 Me., 173.

All other property covered by the mortgage, and applying the
 proceeds of the earnings thereof according to the legal
 rights of the parties in interest. And such trustees are here-
 authorized, as fully as a board of directors of said road for
 the time being, to take charge of and manage said road, to
 appoint the requisite officers and agents, and to discharge the
 same; to fix the rate of fare and tolls subject to the restriction
 of the charter of said railroad company, and to demand and
 receive the same, and to do all things in the management of
 said road that a board of directors might lawfully do, with the
 right to prosecute and defend suits in their name as trustees,
 and to do all other things which the corporation itself might
 lawfully do. It shall be the duty of the trustees, after
 paying the running expenses, to apply sufficient of the earn-
 ings to keep the road, its buildings and equipment in repair,
 and to prevent any deterioration thereof, and to provide such
 new rolling stock as may be necessary, and then to apply the
 residue according to the legal rights of the parties having
 claims against such road. And said trustees shall not be per-
 sonally liable, except for malfeasance or fraud; *provided,*
however, that the funds in their hands, or in the hands of
 their treasurer, (who shall be required to give bonds for the
 performance of his duties,) shall be subject, after payment of
 for running expenses and personal liabilities, assumed by
 any of the trustees, on account of operating said road, to the
 payment of such damages as shall arise from any misfeasance
 in the management of said road. And when all dishonored
 bonds and coupons, secured by the deed in which the trust is
 created, shall have been paid, said trustees shall surrender said
 said and other property to the parties who by law are entitled
 to receive the same. It shall be the duty of said trustees to
 cause a fair and exact account to be kept of the receipts from
 said road, and expenses and disbursements in the manage-
 ment of the same, and to exhibit the same to any officer of
 the corporation, or other person interested, whenever re-
 quested so to do. While managing any railroad as provided
 in this section, they shall, once in each year, and at other
 times when requested so to do, in writing, by the holders of

—authority and
powers of.

Earnings of
road, how
applied.

Trustees not
liable, except
in certain cases.

Road, &c.,
when to be sur-
rendered.

Account of
receipts and
disbursements
to be kept.

Bondholders,
meeting of, how
called, &c.

—may instruct
trustees, &c.

—may prescribe
compensation
of road.

—may vote by
proxy.

—contract for
management
of road.

Foreclosure of
mortgage, no-
tice of, &c.

one-fifth of the bonds in amount secured by the mortgage, call a meeting of the holders of said bonds, by giving notice as is prescribed in the by-laws of the corporation calling meetings of the stockholders thereof, and report to them the state of the property, the expenses of the management thereof, and the application of the earnings made thereon. At such meetings the bondholders may vote such instructions to the trustees as they may deem advisable, and not inconsistent with the duties prescribed in the deed of mortgage or contrary to law, said trustees shall conform to such instructions in the execution of the trust. At such meetings the bondholders may act on such questions as shall be specified in the resolutions passed at the meeting. They may also prescribe the compensation of the trustees. At all such meetings the bondholders may vote, either in person or by proxy, and each one hundred dollars of the bonds shall be entitled to one vote. On the request of the holders of the bonds secured by the mortgage, instructed so to do, by the holders of the bonds secured by the mortgage, at any meeting held or called, as aforesaid, the trustees may, and it shall be their duty to, contract with the directors of the corporation, or with any other competent party, to take charge of, manage and operate said road, so long as the trustees may rightfully retain possession thereof, and to pay over to the trustees the net earnings of said road for the benefit of the bondholders.

SECT. 3. In order to obtain a foreclosure of the mortgage, the holders of any such dishonored bonds or coupons may apply to the trustees under the deed securing the same, to have such mortgage foreclosed; and it shall be the duty of such trustees upon application of bondholders, to an amount equal to one-third of the amount of such mortgage, immediately to give public notice three weeks successively, in a newspaper published by the State printer, and in a newspaper published in each of the counties into which said road extends, if any shall be published therein, stating the date and conditions of the mortgage, and the claim of the applicant under it, and that the conditions thereof has been broken, and the reason whereof they claim a foreclosure; and they shall deliver a copy of such printed notice, and the name and date of

aid newspapers containing it, to be recorded in each of counties, in its registry of deeds, within sixty days from time of the first publication. And unless, within three months from the time of such first publication, the property shall be redeemed by the mortgagors or persons claiming for them, the right of redeeming shall be forever foreclosed, unless some bill in equity to redeem founded on payment or on an adequate and sufficient tender of the amount of over-due bonds and coupons secured by said mortgage, then previously been commenced.

Right of redemption to cease in three years.

SECT. 4. Upon the completion of such recordings, the power for foreclosure shall enure to the benefit of all the holders of any such bonds or coupons, which, at the time of completion, had been dishonored as above described; and it is only upon the payment or tender of payment of all such bonds and coupons, that the foreclosure shall be prevented, provided that tender may be made to the trustees at any time after the notice, and before the foreclosure shall become absolute; and it shall be the duty of the holder of any dishonored bond or coupon, to present them to said trustees thirty days before the time of redemption shall expire, and such mortgage shall not be foreclosed by reason of the non-payment of any not so presented. Any person claiming for the mortgagors shall have free access to the books of the corporation to ascertain the amount of the over due bonds and coupons remaining unpaid.

Foreclosure, how prevented.

Claimants to have free access to books of corporation.

SECT. 5. If the foreclosure of the mortgage be effectuated, the same shall enure to the benefit of all the holders of bonds and coupons provided for in its condition. And they, their assigns and successors, are hereby constituted a company, incorporated and chartered as of the day of the foreclosure, for all the purposes of the original company, with all the chartered legal rights and immunities, which pertained to the original company at the time of the foreclosure; and it shall be the duty of trustees, by suitable deed of release, to convey to a new company all the rights and interest by them held in the railroad, appurtenances and franchise, and other property, by virtue of their deed of trust and the foreclosure there-

Foreclosure to enure to benefit of certain bondholders.

Bondholders to constitute railroad corporation, &c.

Trustees to transfer all property, &c., to new company.

of, and if they neglect or refuse so to do, the court, upon application in equity, shall have power to compel them so to do, and upon such conveyance the said trustees shall be discharged of their trust.

Name of corporation.

First meeting, how called, &c.

Bill in equity to redeem, proceedings in case of.

Original corporation to continue in existence for certain purposes.

Foreclosure not to impair rights of recovery against corporation.

Rights of parties claiming under prior mortgage not impaired by this act.

SECT. 6. This new corporation, though a distinct one, may, for the calling of its first meeting, retain the same name with the old one; but shall at that meeting adopt a new corporate name, such as it shall choose to take, by which name it shall always afterwards be known. Its first meeting may be called in the same manner as was authorized for calling the first meeting of the original company. And the new corporation shall have full right to take and retain the possession and use of the mortgaged property, notwithstanding the pendency of any bill in equity to redeem.

SECT. 7. Upon the hearing of any bill in equity to redeem, commenced as mentioned in the third section the new corporation may become a party and defend; and the court if the bill be sustained by the answer, and proofs or otherwise, may decree a redemption and a return of the property, on such terms and conditions as equity may require, giving such effect, as to rents and profits on the one hand, and as to necessary expenditures on the other, as pertains in equity to the redemption of mortgaged lands; and may effectuate its decrees by all needful warrants and processes.

SECT. 8. The original corporation shall continue in existence for the sole purpose of collecting and paying its debts and bringing its unsettled matters to a close. The foreclosure of the mortgage and consequent transfer of the mortgaged property, as above provided for, shall not impair the rights of recovery against the corporation or its stockholders, which any person may have, either on contract or other cause of action. But in suits founded upon any of the bonds or coupons, secured by the foreclosed mortgage, the actual value of the proportionate part of the property, which passed by the foreclosure, shall be deducted.

SECT. 9. Proceedings under this act for the foreclosure of a subsequent mortgage shall not impair the rights of any party claiming under a prior mortgage. The new corporation

ulting from the foreclosure of a subsequent mortgage, shall have all the rights of redeeming against a prior mortgage, to the same extent, by bill in equity or otherwise, which the holders of the bonds and coupons secured by such subsequent mortgage, or their mortgage trustees for them, could have had.

Rights of new company to redeem prior mortgage.

SECT. 10. Without impairing the rights of parties who shall sue to enforce them at law, the supreme judicial court, as a court of equity, shall have jurisdiction of all matters arising under the provisions of this bill, to be presented and acted upon as other questions arising in equity in this State.

S. J. court to have jurisdiction over all matters arising under this act.

SECT. 11. This act shall take effect and be in force from and after its approval by the governor. *Approved April 15, 1857.*

LAWS OF 1858, CHAP. 30.

An act in relation to trustees of railroads.

Be it enacted, &c. SECT. 1. The holders of bonds of any railroad corporation in this State, at any regular meeting called and held in pursuance of the provisions of an act approved April fifteenth, eighteen hundred and fifty-seven, and entitled "an act providing for the foreclosure of certain mortgages given to secure the payment of bonds and coupons, issued by railroad corporations," are hereby authorized to elect by ballot, one or more new trustees to supply any place vacant by the death or resignation of any trustee, under such mortgage; and they are also authorized, when they shall deem it advisable so to do, to elect in like manner, one or more new trustees in place of persons holding such trust.

Bondholders of railroads may elect trustees to fill vacancy.

—may elect new trustees.

SECT. 2. The proceedings of such meeting may be presented in a summary manner, by any party in interest, to the supreme judicial court at any regular term, or to any justice of the court, at chambers, whose duty it shall be to appoint a day for a hearing, and order such notice to parties interested as the court or justice may deem proper. At such hearing, the court or justice before whom the same is had, shall have power to ratify and confirm such election, and to make all orders and decrees for the purpose of effectuating the same, and

Proceedings of meeting may be presented to S. J. court or justice, hearing to be granted.

Power of court or justice.

Duty of former trustee.

Decrees to be filed and recorded.

Powers of new trustees.

Provisions, how applicable.

Trustees in possession may contract with connecting road for running.

Proviso.

Trustee not to be removed until secured.

of causing and enforcing a transfer of the property in trust to such new trustee or trustees, as may be deemed necessary and just. And it shall be the duty of any former trustee to execute such deed of quitclaim and release of the said property in trust as may be necessary to carry out the purposes of this act, and be ordered and decreed as aforesaid. All such orders and decrees shall be filed with the clerk of the court where such hearing is had, and entered of record.

SECT. 3. The trustee or trustees so elected and confirmed together with the trustee or trustees of the former board, if any are left remaining on the new board, shall take and hold in trust, the property embraced in the mortgage according to the terms thereof, in the same manner, and with the same rights, duties, powers, interest and privileges as they would have, if they derived the title or interest at the same time and by the same conveyance.

SECT. 4. The provisions of this act shall be applicable to the new boards of trustees elected under it, and to subsequent boards; and all the provisions of the act of April fifteenth, eighteen hundred and fifty-seven, referred to in the first section, shall apply to the new boards of trustees, constituted by virtue of the foregoing provisions.

SECT. 5. The trustees of any railroad, when they shall have entered into possession for the purpose of running the same are hereby authorized, when directed by the bondholders at a regular meeting thereof, to make a contract with any connecting road in this State, and run the same, under said contract, in accordance with the provisions of the act of April fifteenth, eighteen hundred and fifty-seven, before referred to: *provided*, that such contract shall not extend beyond two years, unless the same shall have been submitted to, and approved by the bondholders at a regular meeting of the same and in no event beyond the time such trustees shall be authorized to hold possession of said road for the purpose of running the same.

SECT. 6. No trustee shall be removed or displaced under the provisions of this act until he shall have been secured against any liabilities assumed by him, in running the road,

and paid all sums advanced by him in paying the coupons due and falling due on the bonds of cities and towns secured by the mortgage of the road, and the sinking fund provided for the security or redemption of said bonds, as well as any moneys paid out in running the road, remaining due to him.
Approved March 25, 1858.

LAWS OF 1858, CHAP. 36.

An act to secure the safety and convenience of travellers on railroads.

Be it enacted, &c. SECT. 1. It shall be the duty of the governor, with the advice of council, to appoint three railroad commissioners, who shall act as a board, and hold their office for the term of three years.

Railroad commissioners, appointment and term of office.

SECT. 2. Said commissioners shall have authority to examine into the condition of railroads in this State, their rolling stock, rates of speed, time tables, the times and terms of connection and junction or crossing, and the rates at which passengers and merchandise, coming from one road are transported over another, to the end that the public safety and convenience in the transportation of passengers and merchandise may be provided for and secured.

—their powers.
 See laws of 1860, chaps. 152, 175; 1861, chap. 44; 1864, chaps. 228, 238.

SECT. 3. Whenever any railroad corporations which have been or may be chartered by the legislature, or the trustees of the bondholders or other persons authorized by law, running any railroad, shall fail to agree upon the terms or times of connection, crossing or junction, or the rates at which passengers and merchandise coming from one road shall be transported over the other, or the division of receipts resulting from the transportation over roads so crossing or connecting, said commissioners shall, upon application in writing, of either company, or of ten or more citizens of this State, responsible costs, appoint a time and place of hearing, and cause notice be given to the parties interested, in the manner to be signated by the commissioner or commissioners to whom application shall be made. After hearing the same, or any of them as shall appear before them, said board shall proceed to determine and award in writing, upon the matters submitted, and prescribe the things to be done and performed

—duty when railroads fail to agree.

—shall appoint time and place of hearing and notify parties.

—award upon matters submitted, parties notified, bound.

Award to be returned to S. J. court.

Court may recommit if objection is made.

Award, how binding.

Power of court.

Penalty for neglecting or refusing to comply with award.

—how recovered.

Continued neglect, provisions in case of.

Trains to await at crossings in certain cases.

by the parties or either of them ; and parties notified and neglecting or refusing to appear, may be embraced in, and shall be bound by the award, as fully as if they appeared. The award of said commissioners, or of a majority of them, shall be returned to the supreme judicial court in the county where the application is made ; the court shall accept the award unless good cause be shown against it. But if objection is made, and good cause is shown, the court may recommit the same with or without instructions. The award when accepted and judgment thereon is rendered, shall be binding until a new award shall be made upon further application. And the court shall have power to make any orders or decrees necessary to make the award effectual.

SECT. 4. If any railroad corporation or the trustees of the bondholders or other persons authorized by law, running any road, shall, after having been notified of the award of said commissioners, and acceptance thereof, neglect or refuse to comply with the same, the directors of the road so neglecting or refusing, and the superintendent or other agents in running such road, shall each be subject to a fine of not less than ten dollars, nor more than fifty dollars, for each day of such neglect or refusal ; to be recovered on complaint before a justice of the peace (to the amount of his jurisdiction,) or on indictment within the county where such violation takes place. And if any party or parties shall continue to neglect or refuse to comply with such award, for more than ten days, and complaint thereof shall be made to any justice of the supreme judicial court, accompanied with affidavits of the fact, such justice shall cause a *capias* to issue against one or more of the directors or other persons running such delinquent road, and have them brought before him, and if it shall be made to appear that such neglect or refusal continues, he shall commit such persons to be held in custody for contempt, until the award shall be carried into effect by such company.

SECT. 5. When railroads cross each other, and passenger trains are due at such point of crossing at the same hour, it shall be the duty of the train first arriving, to wait at the station near such crossing until the train upon the other road

shall arrive; *provided*, it shall so arrive in twenty minutes; and each train shall afford suitable opportunity for such passengers as desire it, (with their baggage,) to be changed to, and transported on the other train.

SECT. 6. Whenever the provisions of section five shall be violated, the superintendent of the road, and the conductor and engineer of the train so transgressing, shall each be subject to a fine, to the use of the State, of not less than ten dollars, nor more than fifty dollars, for each offence, to be recovered on complaint before any justice of the peace, or on indictment in the county where such violation shall occur.

Penalty for violation of sect. 5.
47 Me., 189.

—how recovered.

Compensation of commissioners.
Costs.
Court to issue execution.

State not liable.

SECT. 7. Said commissioners shall be paid a fair compensation by the petitioners, for their services, and they shall have authority to award costs including the compensation for their services as in their opinion justice may require, and the court shall cause an execution to issue therefor in accordance with the award. But in no case shall the State be responsible to the commissioners for any services which they may render by virtue of this act. *Approved March 26, 1858.*

LAWS OF 1859, CHAP. 297.

Resolve for the publication of the Aroostook railroad bill.

Resolved, That the secretary of State be authorized to publish in the State paper forthwith, the act entitled, “an act to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands,” the same to be published in such of the newspapers of this State as publish the laws thereof also to forward to each of the clerks of the several cities, towns and plantations, a copy of the State paper containing the bill aforesaid. *Approved April 4, 1859.*

Aroostook railroad bill for the publication of.

LAWS OF 1859, CHAP. 119.

An act to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands.

Be it enacted, &c. SECT. 1. All the public lands shall hereafter be managed and sold under the direction of the governor, council, State treasurer and the land agent, for the

Board for managing public lands.

Quorum.

Settling lands,
how to be con-
veyed.

—price to be
fixed.

—land agent
to convey, con-
ditions.

—settling
duties required.

—failing to per-
form, forfeit.

Timber lands
how to be sold.

Settling duties
in case of full
payment.

Terms of pay-
ment on set-
tling lot.

time being, and they are hereby constituted a board for that purpose; and the governor, State treasurer and the land agent, in the absence of the council, shall constitute a quorum for the transaction of the business hereby confided to them. Said board, shall, from time to time, cause all lands suitable for settlement, to be surveyed into lots of one hundred and sixty acres each, and cause the character of each lot to be noted on the plan or plans of such survey, to be retained in the land office. And the board shall cause a minimum price to be noted on each lot. The land agent may thereupon, under their direction, sell and convey such lots or parts of lots, at that price, or at a higher price, not however exceeding in any case one dollar an acre to an actual settler, nor more than one hundred and sixty acres be sold and conveyed to any one person. And every purchaser, beside the payment of one dollar per acre, shall be required within two years from the date of his purchase, to establish his residence on his lot, and within four years from such date to clear on each lot not less than fifteen acres, ten of which shall be laid down to grass, and to build a comfortable dwelling house on it, and if the purchaser fails to perform any of the foregoing duties required of him, he forfeits all right to the land, and it may be sold to another person.

Timber lands may be sold for a price exceeding one dollar per acre at private sale or at auction, under such regulations as the above named board may prescribe, after giving six months notice thereof. Any person may purchase a lot paying the full price thereof at the time of the execution of the deed, which conveyance shall require the performance of settling duties by the purchaser or his grantee in actual occupation thereof; and all conveyances made by such purchaser or those claiming under him shall be valid, in case of an actual occupation of the same by the party holding the title and performing the settling duties set forth in said deed. In all other cases, upon every such sale of a settling lot, one fourth part of the consideration shall be paid in two years from the date of his deed, and the remainder in equal payments, in one, two and three years after the first payment.

d all with interest from the date of the deed. Nothing
 wever expressed in this act shall have the effect to preclude
 e land agent from selling and conveying lots to such per-
 as as have applied for them, and have designated the lots
 their respective applications, under the law, as it existed at
 e time when their several applications may have been
 ade. The board hereby constituted, shall make return of
 air doings to each regular session of the legislature.

Act not to af-
 fect lots applied
 for.

Board to make
 return of do-
 ings.

SECT. 2. Lands set apart and designated, under the direc-
 n of the land agent for schools, and such as have been
 signated as soldiers' lands, all lands which the land agent is
 thorized to convey to literary institutions, and four townships
 said land, situated one in Oxford county, one in Franklin coun-
 , one in Somerset county, and one in Piscataquis county, to be
 ected under the direction of the board named in the first sec-
 n of this act; the proceeds of sales of which are to be expend-
 in the several counties in which they are situated for roads,
 d lands, which may be selected by persons in exchange for
 er lands, under the authority of the State, and lands here-
 fore conveyed by the State, by conditional deeds, on which
 e State may hereafter receive the purchase money, are not
 be affected by the provisions of this act. But the proceeds
 the sales of the other public lands, including those which
 ay be received or obtained by way of exchange, or so much
 ereof as may be necessary, are hereby appropriated and set
 art for the following purposes, namely: a sum not exceed-
 g ten thousand dollars, is to be reserved and expended in
 mpleting the Fish River State road, extending from the
 roostook river to Fort Kent, but not more than two thou-
 nd dollars of this appropriation is to be expended in any
 e year. And a sum not exceeding twelve hundred dollars,
 which not more than five hundred dollars is to be expend-
 in any one year, is to be reserved and appropriated for
 mpleting the Violet Brook State road. Said expenditures
 be made from time to time, as the legislature may direct.
 ll the residue of the proceeds of said sales are hereby grant-
 l and appropriated, under the conditions and limitations
 ereinafter expressed, to aid the Aroostook Railroad Com-

Certain de-
 scribed lands
 not assessed by
 provisions of
 this act.

Proceeds of
 sales appropri-
 ated.

Fish river road
 \$10,000.

Violet brook
 road \$1,200.

Legislature to
 direct expendi-
 tures.

Residue of proceeds in aid of Aroostook railroad.

Branch railroad aided.

Description of railroad contemplated.

Conditions of grant of aid.

—railroad from Milford to Mattawamkeag, when to be commenced, when to be completed.

—extension to boundary, and branch, when to be commenced.

pany, incorporated by an act, approved March twenty-seventh in the year of our Lord eighteen hundred and fifty-eight, in constructing their railroad, extending from a point at or near Mattawamkeag village, or from any point between Milford and Mattawamkeag, in an easterly direction, to the easterly boundary of the State, where it may be most convenient for a connection with a railroad from the city of Saint John, in the province of New Brunswick to the said boundary. Also to aid in constructing a branch railroad to Houlton, or a distance of twenty-five miles from any point in their railroad, in the direction of the State lands, in the county of Aroostook; the point of departure to be determined by said company, with the approval of the board named in the first section of this act. And said railroad from Milford to Mattawamkeag, and to the boundary, and said branch shall be considered to be the railroad, authorized by the act of incorporation of said company.

SECT. 3. The grant made by the State to the Aroostook Railroad Company, of the proceeds of the sales of the public lands, as provided in this act to aid said company in constructing and completing that part of their railroad extending from a point at or near Mattawamkeag village, or from any point between Mattawamkeag and Milford, and extending in an easterly direction to the easterly boundary of the State, and the branch railroad extending as described in the preceding section, is made in consideration of, and on the express condition, that said Aroostook Railroad Company shall have commenced constructing that part of their railroad extending from Milford to Mattawamkeag, on or before the first of September, eighteen hundred and sixty, and shall have completed the same in all its parts, with the necessary furniture and equipments, and put it in running order the whole distance from said Milford to Mattawamkeag, within three years thereafter. And on the further condition that the part of the railroad extending from the Milford and Mattawamkeag section of it to the eastern boundary of the State, and the branch towards the State lands shall be commenced as soon after the completion of that section of their railroad, extending from

Milford to Mattawamkeag, as there is a sufficient sum of money in the treasury, received from the proceeds of the sales of lands appropriated for this purpose to warrant such commencement, and when said company shall have completed ten miles of it, the board named in the first section of this act shall then determine what is in their judgment a fair proportion of the whole appropriation for ten miles, and said company shall be then entitled to that amount, and the governor is hereby authorized to draw his warrant for the same, in favor of said company, if there be so much of the funds hereby appropriated in the treasury, and if not, for so much of it as there may be on hand, and the balance as soon as it shall be received, as hereinbefore provided by the treasurer. And when an additional ten miles of said road shall have been constructed, the amount to be paid to said company shall be ascertained in like manner, and payment made from the treasury as aforesaid. And like proceedings shall be had as each succeeding ten miles shall have been completed until said roads are completed, and the whole appropriation expended.

—proportion to be paid when ten miles completed, how determined.

—further payments, how made.

SECT. 4. All expenditures by the land office relative to and on account of lands, the proceeds of the sales of which are appropriated by this act, including salaries of officers, are to be paid annually out of the proceeds of the sales of said lands.

Expenses to be paid from proceeds of sales.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts inconsistent repealed.

SECT. 6. No appropriation of the proceeds of the public lands shall be made to aid in building a railroad from Milford to a point at or near Mattawamkeag point.

No aid to road to Mattawamkeag.

SECT. 7. It is hereby declared to be the true intent and purpose of this act to sell the public lands herein designated in the most judicious method that can be devised, to obtain for them their full value, to promote the settlement of such as are suitable therefor, and, after deducting expenses and other sums hereinbefore named, to grant the balance of the proceeds of sales to the use of said company upon the conditions hereinbefore specified; and to these ends and no other, the legislature reserves the power to change the provisions of this act relating to the mode of disposition and sales of the public

Intent and purpose of act declared.

Power to change provisions reserved.

lands, when it may be necessary to correct abuses, or otherwise to promote the declared intent and purpose of this act.

SECT. 8. The aldermen of cities, selectmen of towns, and assessors of plantations, shall on or before the first Monday in June, in the year of our Lord eighteen hundred and fifty-nine, issue their warrants notifying the inhabitants of their respective cities, towns and plantations, qualified to vote for the choice of State officers, to assemble in ward, town and plantation meeting on the second Monday of June, in the year of our Lord eighteen hundred and fifty-nine, to give in their votes in relation to the foregoing act.

SECT. 9. At such meetings, said qualified voters shall give in their ballots as follows: Those in favor of said act shall give in their ballots with the words "for the act" written or printed thereon; and those opposed to the act shall give in their ballots with the words, "against the act" written or printed thereon; said ballots shall be received, sorted, counted and lists thereof made out and returned to the office of the secretary of State by the clerks of said cities, towns and plantations in the same manner as votes for senators, on or before the twelfth day of July, in the year of our Lord eighteen hundred and fifty-nine, and the governor and council shall immediately thereafter sort and count the same, and forthwith cause the state of the vote to be published by the printer of the State, and the governor shall issue his proclamation declaring the majority vote so returned.

SECT. 10. The proceedings at the special election ordered by this act shall be in accordance with the provisions of chapter four of the revised statutes, so far as applicable thereto.

SECT. 11. If it shall appear by the proclamation and return of the votes aforesaid, that upon a majority of the ballots so returned, the words "for the act" are written or printed, then this act shall take effect and be in force from and after the first day of August next, but if it shall appear by said proclamation and return, that upon a majority of the ballots so returned, the words "against the act" are written or printed, then this act shall be inoperative and void. *Approved April 4, 1859.*

Meetings when to be held in cities and towns in relation to act.

Ballots, how to be given in.

—lists of, how to be made out, returned and counted.

Proclamation of governor.

Proceedings at election.

Effect of the vote and proclamation.

LAWS OF 1860, CHAP. 141.

An act additional concerning the location of railroads.

Be it enacted, &c. SECT. 1. Any railroad corporation in this State that has constructed, or shall construct and in operation its railroad, may at any time amend, correct or perfect the location of its roadway, of the width allowed by law, and file a new description thereof, and of the land taken, whenever they have failed, for any cause, to acquire the land actually embraced in the roadway; and in case the parties do not agree upon the value of the land so taken, either party may apply to the county commissioners to appraise the same; and the same proceedings may be had as on an original taking of land under its charter and the laws of the State.

SECT. 2. This act shall take effect from and after its approval by the governor. *Approved February 29, 1860.*

Location of roadway may be amended.

Value of land taken, how settled.

LAWS OF 1860, CHAP. 152.

An act to promote safety of travel on railroads.

Be it enacted, &c. SECT. 1. No railroad company in this State, after its road shall be in operation, shall change the gauge or width of its tracks between the rails so as to increase or diminish the distance between the same, or shall lay down a second or third rail for the working of its road by means of a fixed gauge, without the express authority of the legislature so had and obtained; and it shall be the duty of the attorney general on suggestion or request of any person complaining of a violation of the provisions of this act by any railroad company to file a process in equity against said company before the supreme court in any county in which such violation shall be had to obtain an injunction against such violation. Any decree of said court may grant a preliminary injunction according to the provisions of chapter seventy-seven, section ten of the revised statutes to restrain and prohibit such violation; *provided, however,* this act shall not apply to the roads east of Portland.

SECT. 2. This act shall take effect when approved. *Approved March 14, 1860.*

Change of gauge prohibited.

Repealed 1865, chap. 315.

Proceedings in case of violation.

Injunction may be granted.

Proviso.

LAWS OF 1860, CHAP. 175.

An act additional to an act to secure the safety and convenience of travellers on railroads, passed in the year of our Lord one thousand eight hundred and fifty-eight.

Railroad commissioners, their appointment.

—qualifications and compensation.

Amended 1861, chap. 44.

additional 1871, chap. 204; 1868, chap. 179.

Duty of railroads to cause annual examination.

—commissioners to publish notice.

—railroads to pay for services.

Certificate to be filed with secretary of State.

Penalty for neglect.

Be it enacted, &c. SECT. 1. It shall be the duty of the governor, with the advice of the council, in the appointment hereafter to be made, to appoint three railroad commissioners, two of whom shall be experienced men in the construction and management of railroads; one of whom shall be an engineer. The compensation of the commissioners under this act and the act to which this act is additional, is fixed at four dollars a day while actually employed in the duties of their office.

SECT. 2. Upon all railroad corporations, except the railroad companies in the county of Washington, now in operation, is imposed the duty of causing their railroad, the track, rolling stock, bridges, viaducts and culverts thereof situate within this State, to be carefully examined annually between the months of May and September, by one of the commissioners appointed by virtue of the act to which this is additional. And it is the duty of the commissioners annually in the month of May to give two weeks notice of the time and place one of them will attend for the purpose of making such examination, by publishment in the State paper; and the extent of the examination is according to the discretion of the commissioners making it; and the compensation for his services is to be paid by the railroad corporations for which the service is performed respectively; and after such annual examination the commissioner shall make a certificate certifying such examination has been made, and also briefly describing the condition of the road and rolling stock, and deliver the same to the clerk of the corporation, first receiving compensation for his services; and the corporation, shall file such certificate in the office of the secretary of State before the first day of October in each year, and if any railroad corporation shall neglect to cause said examination to be made, or to pay said commissioner, or to file such certificate, such corporation shall forfeit and pay one thousand dollars, to be recovered in an action on the case, one-half to the use of the State, and one-half to the person suing

the same ; and the president and directors of any railroad corporation guilty of such neglect shall not allow any passenger train to run over the railroad ; and if any such passenger train is so run the president and directors of such corporation shall be liable personally for all damages occasioned by any defect in said road or its rolling furniture for which they are by law now liable ; but such liability does not relieve and discharge the railroad corporation.

Personal liability of president and directors.

SECT. 3. If the commissioner finds any defect or defects wherein, which in his opinion would render the passage of such trains hazardous, either of the aforesaid commissioners shall forthwith notify the superintendent, president or any director, of, or any lessee, trustee or person other than the corporation running trains on such road of such defect or defects, and require the party notified to show cause forthwith why the same should not be repaired. If the party notified, neglects to appear at the time and place required, or appearing, does not show cause to the satisfaction of the board of commissioners why the defect or defects should not be repaired, said board shall issue such order in writing as they may deem necessary for the safety of the public, and shall forthwith serve a copy thereof upon the person notified, or present at the hearing, acting in behalf of the corporation, lessee, trustee or person running trains on said road.

Commissioners to notify of defects.

Proceedings in case of neglect of parties notified.

SECT. 4: Awards or orders made by said board under the second section of this act shall bind and include railroad corporations and all persons running passenger trains on any railroad until set aside by the supreme judicial court under section third of the act to which this act is additional.

Awards and orders, how binding.

Amended 1861, chap. 44.

SECT. 5. If any railroad corporation, lessee, trustee or other person running passenger trains on any railroad shall neglect to comply with any order of said commissioners made according to the second section of this act, and shall, after being served with a copy of such order, transport a passenger in any car, on or over any bridge, culvert or place determined by said commissioners to be defective and hazardous contrary to the order aforesaid, either of said commissioners shall file an information in the name of the State, with any judge of the

Injunction may be granted on application of a commissioner. Amended 1861, chap. 44.

—how to be enforced.

—hearing in case of.

Amended 1861, chap. 44.

Costs.

Commissioners to make report annually.

—may demand information.

—may determine rates of transportation over connecting roads, on application.

supreme judicial court in session or vacation, praying for an injunction upon the corporation, lessee, trustee or person notified as aforesaid, until said order is complied with, or the court upon a hearing, dissolve said injunction or sets aside such order, and the judge aforesaid shall grant said injunction and enforce the same, and thereupon said commissioners shall notify the attorney general thereof who shall afterwards conduct all proceedings thereon in said court.

SECT. 6. At the first term of the supreme judicial court in the county where said injunction has been granted, on motion of the attorney general or the party enjoined, the parties shall be heard, and the court may remove the injunction if they deem it consistent with the public safety, upon payment by the defendant, to the State, of such sum as costs as they consider just and equitable.

SECT. 7. The railroad commissioners shall annually in the month of December, report to the governor their official doings, together with such facts in relation to railroads within the State, as he may require, or they may consider of public interest; and to this end railroad corporations, trustees or lessees are required to give said commissioners such information as they may from time to time demand.

SECT. 8. When the railroad commissioners are applied to by a railroad corporation, or its lessees or trustees authorized by law to connect with or cross another road to determine and award in relation to the rates at which passengers and merchandise coming from one road shall be transported over the other, or the division of receipts resulting from transportation over roads so connecting or crossing as prescribed in the third section of the act to which this is additional, said commissioners if so requested in the application, are hereby authorized and required to determine and award the rates for transporting passengers, merchandise or cars delivered by a crossing or connecting to a receiving road over such receiving road and over any other road on which such receiving road shall have become a common carrier by contract or otherwise, and also the rates for transporting passengers, merchandise or cars coming upon, over or delivered to said receiving road at any

on where it usually receives passengers or merchandise, sell upon its own as on any other road over which it is a carrier as aforesaid, and going to and upon the road making application. And they are also authorized to require any party in the application to give security to the other for payment of balances for such transportation on such conditions as they deem equitable; and they may also determine their award may be suspended after the acceptance thereof, any non-performance of the conditions thereof at the election of the party injured by such non-performance.

—may require security for balances.

—award may be suspended.

SEC. 9. Either of the commissioners to whom an application is delivered under this act or the act to which it is additional, shall endorse thereon an order of notice to any or all interested parties and fixing the time and place of hearing, and the applicant shall cause said order of notice to be complied with before a hearing is had thereon. And any corporation or person, whether named in the application or not, appearing and claiming to be interested shall be made a party to the proceedings, and shall be heard thereon, and said commissioners are hereby invested with the authority of the courts of law to summon witnesses, compel their attendance before them, and compel them to testify; and depositions may be taken to be used at a hearing in the same manner they are required to be taken and used in the trial of suits at law.

Order of notice on application.

Persons claiming interest, to be heard.

Witnesses.

Depositions.

SEC. 10. The award and determination of said commissioners hereafter made, in relation to rates, passengers or merchandise, or railroad connections, or crossings may be returned to the supreme judicial court in the county in which the hearing before the commissioners was held.

Award returned to court.

SEC. 11. When exceptions are taken to any ruling, order, decision, decree or judgment of the judge before whom said hearing is had, other than an order to recommit the award to the commissioners, the exceptions shall be drawn up, signed and filed within the time allowed by the rules of court from the hearing; and if allowed by the judge, a certified copy thereof and all papers used at said hearing shall be forthwith forwarded by the clerk of said court to the chief justice of said court, and the parties shall be heard thereon by said court,

Exceptions taken, proceedings in case of.

sitting as a court of law in the district where the hearing took place. And if said court of law does not sit within thirty days after the chief justice receives said exceptions he shall at the request of either party, detail a majority of the justices of said court to hear the parties at such time and place as he may order, and transmit his order to the clerk of the court where said matter is pending, who shall enter the same upon the docket under said cause, and such entry shall be notice to the parties, at the time and place fixed, the parties shall be heard by the court, and said court thus constituted shall have all the powers and authority now vested in them at its regular session, sitting as a court of law.

Acts inconsis-
tent repealed.

SECT. 12. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its approval by the governor. *Approved March 19, 1860.*

LAWS OF 1860, CHAP. 193.

An act additional to chapter fifty-one of the revised statutes, relating to
railroads.

Purchasers of
franchise of
railroad, their
powers, rights,
and liabilities.

Be it enacted, &c. SECT. 1. Whenever the franchise and road wholly or partially constructed of any railroad corporation shall be sold by any person having authority to make such sale under any decree of court a valid power of sale in a deed of mortgage of such franchise or road, or upon execution, the purchasers of such franchise and road having obtained legal title thereto, shall have, succeed to and possess all the powers, privileges and immunities, and be subject to all the liabilities and obligations of the stockholders of such corporation under the charter thereof, and may by a vote of the majority in interest of their number form a new corporation with a new name under such charter. But such new corporation shall not be liable for any indebtedness of such original corporation, unless such sale and purchase be made subject to such indebtedness; or such indebtedness be secured by a pledge, lien or mortgage having priority to the right of the person by whom such sale was made, or in whose behalf ordered and decreed. The first meeting of the new corpora-

New corpora-
tion may be
formed.

—its liabilities.

may be called in the same manner as was authorized for the first meeting of the original corporation; the original corporation shall continue in existence for the purpose of settling and paying its debts, and bringing its unsettled affairs to a close. The sale of such franchise shall not impair the rights of recovery against such original corporation, or its stockholders, which any person may have, either on contract or other cause of action.

—first meeting,
how called.

Original corporation to continue for certain purposes.

SECT. 2. When by virtue of the power of sale in the mortgage deed under which such sale may take place, or by the decree of the court ordering such sale, or by the laws of the State, the original corporation, or any person or corporation claiming under it has a right to redeem from such sale, the person or corporation having such right, shall be entitled to redeem in the manner provided in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of chapter thirty of the revised statutes. But the party redeeming from such sale shall pay in addition to the amount of the sale and interest thereon, all such reasonable expenditures as shall have been made by such new corporation in completing, repairing and equipping said railroad and in purchases of property necessary therefor, deducting therefrom the net income of said railroad during the time it may be in the possession of such corporation.

Right to redeem as prescribed in sects. 13, 14, 15, 16, 17, 18, 19 and 20 of chap. 30, revised statutes of 1857.

Party redeeming, to pay for improvements.

SECT. 3. The preceding section shall apply to any person or corporation seeking to redeem a railroad, when in possession of the trustees for breach of the condition in the deed of mortgage to said trustees.

Applicable to railroads in hands of trustees.

SECT. 4. This act shall take effect when approved. *Approved March 20, 1860.*

LAWS OF 1861, CHAP. 3.

Act amending chapter fifty-one of the revised statutes respecting railroads.

As it enacted, &c. SECT. 1. The sixth section of the fifty-first chapter of the revised statutes is hereby so amended that the eighth, ninth, tenth, twelfth and thirteenth sections of the eighteenth chapter of the revised statutes, are made ap-

Chap. 51, sect. 6, R. S., amended.

Damages for
lands taken by
railroads, &c.,
relating to.

plicable to damages for lands taken for railroads, and all the proceedings therein provided for increase of damages shall be applicable to a petition for an increase or diminution of damages for lands taken for railroads. *Approved February 1, 1861.*

LAWS OF 1861, CHAP. 20.

An act to aid the Aroostook Railroad and promote the sale of the public lands.

Board for man-
aging public
lands.

Settling lands,
how disposed of.

Timber lands,
how to be sold.

Proceeds to be
paid into the
State treasury.

Be it enacted, &c. SECT. 1. All the public lands situate in the counties of Aroostook and Penobscot, except lands heretofore conveyed by conditional deeds, and for which the State may hereafter receive payment, or lawfully bargained or contracted for, or held under claim of possession and improvement, together with lands granted or voted by the present or preceding legislatures, reserving the right in the State to locate such grants on or before the first day of January, eighteen hundred and sixty-three, and not after, or which may be reserved, or are set apart for public schools, shall in future, be managed under the direction of the governor, State treasurer and land agent; and they are hereby constituted a board for that purpose, except that the land agent shall, as heretofore, in the manner provided by law, select out of townships located and designated for settlement, or to be located or designated as heretofore, and offer the same in lots for settlement, and sell lands to settlers, and for the purposes of settlement, upon the same terms and conditions as he is now authorized by law to do. It shall be the duty of the land agent to advertise the sales of all timber lands offered for sale under this act, by publishing notice thereof in the State paper, at least three months previous to the day of sale, which sale shall be at public auction, and said land shall be sold in lots of not more than one-fourth of a township in one parcel.

SECT. 2. All moneys received from the proceeds of the sales of said land hereafter made, or received for timber hereafter sold, after deducting the expense of the care and management of said land and timber, shall be paid into the treasury for the

use of the Aroostook Railroad Company, upon the terms and conditions hereinafter expressed; *provided*, that any appropriation which the legislature shall make for opening and making or repairing any road now laid out, and all which this legislature shall authorize to be laid out passing through any township of land placed under the care of said board for the purposes designated in this act during the time the same shall be under the control and management of said board shall be paid from the fund arising from sales of timber and land authorized by this act. Proviso.

SECT. 3. The moneys hereafter received on account of the claims of the State upon the United States, for interest on the amount received from the United States in the year eighteen hundred and fifty-nine, together with the claims against the United States on account of the northeastern boundary question. But for no claim for timber cut on the territory formerly in dispute between the United States and Great Britain, after deducting the expense of obtaining the same, shall be paid into the treasury for the use of the Aroostook Railroad Company, upon the terms and conditions hereinafter expressed. Certain claims for money against the United States when received to be paid into State treasury for the benefit of Aroostook Railroad.

SECT. 4. From or near Mattawamkeag or the valley of Mattawamkeag river, the Aroostook Railroad Company shall locate a branch of their said road extending in a northerly direction as far as Houlton in the county of Aroostook. And the Aroostook Railroad Company shall locate a branch of their railroad from some point between Milford and Mattawamkeag, including the valley of Mattawamkeag river, to the eastern boundary of the State, so as most conveniently to connect with the European and North American Railway of New Brunswick, said location to be made by commissioners appointed by the legislature. Branch roads, location of.

SECT. 5. Upon condition the Aroostook Railroad Company shall accept this act, and within four years shall have completed their railroad from Oldtown or Milford to Mattawamkeag in all its parts, with the necessary furniture and equipments, and put the same in running order the whole distance from Milford or Oldtown to Mattawamkeag, then all such proceeds of the land, timber and claims received, or to be Condition of grant of aid, &c.

Amount to be received.

—how appropriated.

If not completed in four years this act to be void.

European and North American Railway Company may take line of Aroostook Railroad, &c.
—conditions.

received into the treasury, are hereby pledged to be used in aid of the construction and extension of said branch to the eastern boundary of the State, and thence to Houlton; to the amount of five thousand dollars and no more; and the route of said road to Houlton and location of the same, to be made by commissioners appointed by the legislature. And one-half part of all the aid granted to the State as provided in this bill shall be expended on the branch to Houlton, and one-half part on the branch to the eastern boundary of the State.

SECT. 6. If the Aroostook Railroad Company shall not complete their railroad in all its parts within four years, and put it in order the whole distance from Oldtown or Milford to Mattawamkeag, then this act shall be void.

SECT. 7. After the completion of the Aroostook Railroad by the running of cars to Mattawamkeag, the European and North American Railway Company may take the line of said road, with all of its rights, stock, property and franchises, on the condition that said European and North American Railway Company shall first pay the cost thereof, with interest, by deducting the net income received by the running of the road, which payment shall be made by procuring, cancelling and delivering to the city of Bangor all bonds and obligations which may have been issued and delivered to the said Aroostook Railroad Company by said city to aid in the construction thereof, or by depositing the amount thereof in cash in the treasury of said city, with the treasurer of said city for the use of said city, and also paying the balance of the cost of the Aroostook Railroad, its stock and other property, with interest, including the cost of buying or building any line from Milford to Bangor, with interest, deducting the net income of said road; or the European and North American Railway Company may pay the Aroostook Railroad Company the cost of their road, its stock and other property, with interest, by deducting the cost of buying or building a line between Milford and Bangor, with interest, deducting the net income of said road, also first deducting the amount of the outstanding

ations which the city of Bangor have issued and said Aroostook Railroad Company for the purpose making the purchase subject to any mortgage or of said city upon said road ; but in such case the pean and North American Railway Company, in shall also procure, cancel and deliver to said city at fourth of all the obligations and bonds issued and said Aroostook Railroad Company for the purposes and the mortgage of said city shall remain valid ng upon said Aroostook Railroad to secure the re- of all such bonds and obligations, and the city of hall have the same rights and same remedies to en- same as said city had or would have in case no such had been made. And such purchase shall be made o years from the time the said railroad is completed vankeag, by the running of cars, and not afterwards. f any differences between the said Aroostook Rail- npany and the European and North American Rail- npany, the same shall be finally determined by com- s appointed by the governor and council, at the re- either party. And the said Aroostook Railroad Com- on the conditions aforesaid, may sell and transfer its ad, and all of the property, rights and franchises, to pean and North American Railway Company, and pean and North American Railway Company are d to make such purchase ; and the Aroostook Rail- npany may also lease its line to the European and merican Railway Company, *provided* the mayor and cil of the city of Bangor shall first consent to, and of the lease ; and the European and North American Company are authorized to take such lease upon such is being complied with ; and in case of any such sale, or purchase as is before mentioned shall be made, k, rights and franchises of the Aroostook Railroad y shall be consolidated into, and become a part of : and franchises of the European and North Ameri- lway Company ; and all the powers and privileges by such purchase, sale and transfer, shall be had and

Differences,
how deter-
mined.

Aroostook
Railroad Co.
may sell to E.
and N. A. R.
Co.

—may lease.

Proviso.

E. and N. A. R.
Co. may take
lease of Aroos-
took Railroad.

In case of sale,
stock, &c., of
Aroostook
Railroad shall
be consoli-
dated, &c.

E. and N. A. R.
Co., duties,
liabilities, &c.

enjoyed under the charter of said European and North American Railway Company. And such railway company shall be required to fulfil, perform and discharge all the duties, liabilities and obligations undertaken by and imposed by law upon the said Aroostook Railroad Company, and the European and North American Railway Company, in case of such purchase or lease, shall have and enjoy the benefits of the grants here in made, or that may hereafter be made to said Aroostook Railroad Company, upon the terms and conditions before mentioned.

Location above
Mattawamkeag
and branch to
Houlton, &c.,
to be made
within five
years.

SECT. 8. Within five years the Aroostook Railroad Company shall locate its road above Mattawamkeag, including a branch to Houlton, and the branch to the eastern boundary of the State, and of the moneys received for the purposes before mentioned, a pro rata proportion, and no more, shall be paid on the completion of every ten miles thereof, and all sums which may not be expended at the end of ten years, shall remain in the treasury to the use of the State.

Grants, when
to take effect.

SECT. 9. The grants mentioned in the foregoing sections shall take effect and be in force after the city of Bangor shall have voted to loan the credit of said city in conformity with the act of March twentieth, eighteen hundred and sixty, and not before. *Approved March 8, 1861.*

LAWS OF 1861, CHAP. 21.

An act in relation to stockholders of railroad corporations.

Stockholders of
railroad corpo-
rations, liabil-
ity of.

Be it enacted, &c. SECT. 1. No action shall hereafter be commenced or maintained in any court in this State, whereby to charge any stockholder of any railroad corporation for the liability declared and set forth in the eighteenth or thirtieth sections of the seventy-sixth chapter of the revised statutes of eighteen hundred forty-one.

—shall recover
no costs accru-
ing prior to the
passage of this
act.

SECT. 2. If any stockholder shall be discharged from any suit now pending in any court in this State, for such liability by reason of section one in this act, he shall recover no costs which may have accrued prior to the passage of this act.

SECT. 3. This act shall take effect and be in force from and after its approval by the governor. *Approved March 9, 1861.*

LAWS OF 1861, CHAP. 44.

An act to amend an act approved March nineteen, one thousand eight hundred and sixty, entitled an act additional to an act to secure the safety and convenience of travellers on railroads passed in the year of our Lord one thousand eight hundred and fifty-eight.

Be it enacted, &c. **SECT. 1.** The first section of said act is hereby amended by striking out the words "four dollars a day" in the sixth and seventh lines thereof, and inserting instead the words five dollars per day. Chap. 175, sect. 1, laws of 1860, amended.

SECT. 2. The fourth section is hereby amended by striking out the word "second" in the first line thereof, and inserting instead the word third, and by striking out the word "include" in the second line thereof, and inserting the word conclude. Section 4, amended.

SECT. 3. The fifth section is hereby amended by striking out the word "second" in the fourth line thereof, and inserting instead the word third. Section 5, amended.

SECT. 4. The sixth section is hereby amended by striking out the words "to the State." Section 6, amended.

SECT. 5. All services rendered to any railroad corporation or its lessees or trustees by virtue of this act or the act to which this is additional, shall be paid for by said corporation, lessees or trustees. *Approved March 15, 1861.* Services, by whom paid.

LAWS OF 1864, CHAP. 228.

An act to amend section nineteen of chapter fifty-one of the revised statutes, for the better protection of travellers upon public ways contiguous to railroads, and at railroad crossings.

Be it enacted, &c. **SECT. 1.** Chapter fifty-one of the revised statutes is hereby amended by striking out all of the nineteenth section after the word "way" in the fifth line and inserting the words, *and whenever an engine, with or without a train, approaching a crossing of any way on the same level, runs contiguous to, or crosses over any such way, the steam whistle shall be sounded at the distance of at least one hundred rods from the place of crossing on, running beside of, or over, every such way.* Chap. 51, sect. 19, R. S., amended.

Amended 1866, chap. 36.

Steam whistle to be sounded.

SECT. 2. This act shall take effect upon its approval by the governor. *Approved February 24, 1864.*

LAWS OF 1864, CHAP. 231.

An act additional to chapter fifty-one of the revised statutes relating to railroads.

Damages, how determined.
60 Me., 285.

—to construct and maintain cattle guards, &c.

—construction of, &c.,

Land owner may apply to S. J. C., if corporation neglect, &c.

—may maintain action.

Damages.

Proviso.

Not to prevent commissioners or juries from acting.

Be it enacted, &c. SECT. 1. When county commissioners shall hereafter be required to assess damages to the owners of land as provided in the fifth and following sections of the fifty-first chapter of the revised statutes, instead of requiring the payment of such damages in money, they shall direct such railroad corporation, in addition to the pecuniary damages which shall be assessed upon them, to construct and maintain such cattle guards, cattle passes and farm crossings, as said commissioners shall judge reasonable for the convenience and security of such land owners. And in their order therefor the commissioners, shall prescribe the time within which, and the manner how, such structures shall be made or repaired, which order it shall not be competent for any jury to alter or reverse.

SECT. 2. The land owner or his assigns, who may be interested in the execution of such order, may apply to the supreme judicial court, in case such corporation shall neglect to comply with the requisitions thereof; and the said court are fully empowered hereby to grant all necessary processes to enforce the specific performance of such order by said corporation. Or the person so interested in the execution of such order, may maintain an action on the case against such corporation, wherein he shall be entitled to recover double damages by him sustained by reason of such neglect; *provided*, it shall appear that such corporation neglected for more than forty-eight hours after notice of said neglect, given in writing to the president or superintendent thereof, to commence the work required to be done or thereafter unreasonably delayed to complete the same.

SECT. 3. Nothing in this act shall prevent commissioners or juries if applied to, from awarding damages to land owners as provided in said chapter beyond the performance of the work specifically ordered as aforesaid, to such extent as they shall judge reasonable and proper.

SECT. 4. All cattle passes, cattle guards and farm crossings

now existing, and which have been constructed by any railroad corporation under the order or direction of county commissioners, shall be maintained by said corporation the same as if constructed under the authority of this act, and the same proceedings may be had for enforcing such maintenance as are provided for in this act, in relation to cattle guards, cattle passes and farm crossings hereafter constructed.

Cattle guards,
&c., how main-
tained.

—how enforced.

SECT. 5. This act shall take effect from and after its approval by the governor. *Approved March 8, 1864.*

LAWS OF 1864, CHAP. 238.

An act additional to "an act to secure the safety and convenience of travellers on railroads, passed in the year one thousand eight hundred and fifty-eight."

Be it enacted, &c. SECT. 1. The railroad commissioners or a majority of them, may at any time during the year examine the railroads in this State, and their engines and cars now subject to examination by them, whenever complaint shall be made to them by two or more citizens of this State, under oath, that said road or any part thereof, is unsafe for the transportation of passengers thereon.

Commissioners
to examine rail-
roads, &c.

—when com-
plaint is made
under oath.

SECT. 2. If on such examination they shall find the track, culverts or bridges of any railroad, or the cars used to transport persons, so out of repair as in their opinion to be unsafe for travellers on said road, said commissioners shall immediately notify the directors or persons having the care and management of said railroad, of its condition and what is required to make it in a safe condition, and they shall state also in said notice a reasonable time within which such repairs shall be made. The commissioners may require the directors or persons managing said railroad, to so reduce the speed of all trains upon said railroad as to secure the safety of travellers upon the same until said repairs are made.

If track, &c., is
found out of
repair.

—shall notify
directors, &c.

—may require
the managers
of road to
reduce speed.

SECT. 3. If after the notice to them aforesaid, the directors or other persons managing any railroad shall neglect or refuse to comply with the requirements of said commissioners in making repairs of the railroad, it shall be the duty of the commissioners to present a petition to the supreme judicial court

If directors,
&c., neglect or
refuse to com-
ply with requi-
sition, &c.

—commissioners shall petition to S. J. C. Amended 1871, chap. 204.

—shall notify attorney general or district attorney.

Court to order directors, &c., to be notified.

—may order and decree, &c.

—directors, &c., to file bond or recognizance.

—payable to State.

—shall grant an injunction.

Railroad corporations formed by foreclosure of mortgage, subject to laws of legislature.

Trustees of bondholders subject to laws of legislature.

in any county into which said railroad shall extend forth their examination and the condition of said railroad, the notice and requirements made by them to the directors or managers of said road, and their neglect or refusal to comply with the same, and they shall also notify the attorney general of the State, or the district attorney for the county, of the filing of said petition, of the filing of such petition, and of the persons whom shall thereupon appear and take charge of the proceedings in court upon the same. The court shall order the directors or managers of said railroad or any one of them to be notified of the filing of said petition, and appear in court for hearing the parties upon the same. After hearing the parties, the court may order and decree such things as may be deemed necessary and proper to be done by the directors or managers of said railroad to appear to be necessary in order to secure the safety of said railroad, and unless the directors or managers of said railroad shall execute and file in court, a bond or recognizance, with sufficient sureties for such sum as the court shall appear is sufficient to make the necessary repairs of said railroad payable to the State, on condition that they will within the time as the court shall order, make the necessary repairs, or otherwise satisfy the court that said repairs will be made within the prescribed time, the court shall grant an injunction against said corporation, trustee, lessee, or other person managing or running said railroad, prohibiting them, their servants or agents from running passenger trains over such portion of said road as may be determined by said court to be defective and unsafe, until the orders and decrees of said court be complied with or duly revoked by said court.

SECT. 4. Every railroad corporation that shall be affected by the foreclosure of a mortgage of any railroad hereafter made, shall be subject to such laws as the legislature shall have enacted or shall hereafter enact concerning the same, notwithstanding anything in the original charter to the contrary notwithstanding.

SECT. 5. Whenever any trustees of any bondholders are named in any mortgage of a railroad, or who shall be named or appointed in place of such as are named, shall take

on of any railroad for the purpose of running or operating the same, or shall contract with other parties for so doing, and trustees or other parties were so in possession of said railroad, shall be subject to such laws as the legislature have enacted or shall enact concerning the management of railroads.

SECT. 6. The supreme judicial court shall hear and determine all questions relating to the condition and management of railroads in this State having reference to the safety and security of persons transported thereon, as a court of equity; *provided*, that in all cases of alleged breach of contract expressed or implied, or of alleged violation of rights or neglect of duties imposed by charter, either party shall be entitled to jury to determine the facts and assess the damages, and in such cases no process in equity shall be maintained.

SECT. 7. The examination of railroads now required by law to be made by railroad commissioners, shall be made between the first of April and the last of October in each year, at such times as the commissioners shall appoint.

SECT. 8. This act shall take effect on and after its approval by the governor. *Approved March 16, 1864.*

S. J. C. to act as court of equity in determining questions relating to condition of railroads.

Provido.

Examination of railroads, when to be made. Repealed 1868, chap. 179.

LAWS OF 1864, CHAP. 246.

act in addition to chapter fifty-one of the revised statutes in relation to railroads.

Be it enacted, &c. SECT. 1. The county commissioners in awarding damages for lands or other property taken by any railroad company, shall prescribe such terms and conditions for protection of the property of any person or corporation and impose such duties, liabilities and obligations upon the railroad company taking the property of individuals or corporations, as will secure to said company, the proper use of so much property as may be required for the proper working of its line, and the best accommodation of individual owners and corporations owning the lands and property so taken; and they shall in their awards set forth all such facts, stipulations and conditions, as may be required to make their estimation of damages clear and distinct, defining the respective rights of each party and the duties imposed on each party respectively.

County commissioners shall prescribe terms, conditions, &c., in awarding damages for property taken by railroad companies.

—shall set forth facts, stipulations, &c.

Jury, in case of appeal.

In case of appeal to a jury by either party for the increase or diminution of damages, the only question in issue before such jury, shall be the amount or measure of damages on the facts set forth in the award of the county commissioners. *Approved March 22, 1864.*

LAWS OF 1864, CHAP. 265.

An act relating to the redemption of railroad mortgages by subsequent mortgagees, and for the better protection of bondholders.

Mortgages by subsequent mortgagees, proceedings where sentence is made, &c., in view to foreclosure.

See law of 1866, chap. 26, and 1868, chap. 208.

—may pay amount due on mortgage.

—when payment or tender shall hold same in trust for bondholders, &c.

Trustees of subsequent mortgage shall hold same as assignees.

Proviso.

Be it enacted, &c. SECT. 1. In all cases where any entry has been made or other steps have been, or shall hereafter be taken with a view to foreclose, or commence the foreclosure of any mortgage upon any railroad within this State, or upon any part thereof, or upon its franchise or other property, any subsequent mortgagees of the same road, franchise or other property, holding in trust for the benefit of any holders of the bonds or other claims secured by such subsequent mortgage, in which no provision for a sale is expressed, may pay the amount due upon the mortgage so being in process of foreclosure, at any time before such foreclosure shall become absolute; and upon payment or tender thereof shall hold the same in trust for the persons holding bonds or other claims secured by such subsequent mortgage, who severally shall have contributed to the payment and redemption thereof; and each bondholder or other person so contributing, shall be equitably interested therein, in proportion to the amount he shall have paid; and the trustees of the subsequent mortgage shall hold the same as assignees notwithstanding its payment in trust for the benefit of the persons contributing as aforesaid, in the same manner and with the same effect that it would have been held by the preceding mortgagees if it had not been paid or redeemed, subject, however, to the provisions for further contribution hereinafter contained; *provided, however,* that whenever any subsequent mortgage upon any railroad, contains a provision for a sale of the mortgaged property, if it appears by the terms of said mortgage that the right to make such sale is conditional, and that the sale is to be made upon the written application of persons owning a majority, in amount, of the

onds or other claims, if any, secured thereby, and no such written application shall be made to the trustees under such mortgage for a sale, the bondholders or other persons so secured, shall be entitled to all the rights and privileges which are provided for other bondholders and persons in and by this act.

SECT. 2. For the purpose of paying any such preceding mortgage, the trustees under any subsequent mortgage may with or without application as hereinafter provided, call a meeting of the bondholders or other persons secured thereby, to be held at such time and place as they or a majority of them shall appoint, of which they shall give at least fourteen days' notice in the State paper and such other newspapers as they may deem proper, therein stating the object of said meeting; and it shall be their duty to call such meeting upon the written application of any one or more of the persons interested in the subsequent mortgage as aforesaid, (upon the payment of all reasonable expenses to be incurred thereby,) provided the said application shall be made at least six months before the preceding mortgage will be absolutely foreclosed. The persons interested as aforesaid, present at such meeting, may organize the same by the choice of a moderator and clerk, and may proceed to determine what measures, if any, shall be taken for the payment or redemption of the preceding mortgage; and if persons holding a majority of the interest there presented, shall vote that it is expedient to pay or redeem the preceding mortgage, it shall be the privilege of each and every bondholder, or other person holding claims secured by such subsequent mortgage, to contribute his proportion to the payment thereof, and if any such bondholder or other person shall, after due notice to be given as hereinafter stated, fail to pay his proportion according to the provisions of this act, his rights shall be forever foreclosed and barred.

SECT. 3. Whenever, at any meeting held in pursuance of the provisions of this act, it shall have been voted that it is expedient to pay or redeem any prior mortgage as aforesaid, the trustees under the subsequent mortgage, shall, immediately after being notified of the passage of such vote, give

—may call meeting of bondholders.

—notice, how given.

—how may be called.

—how organized.

—if majority of interest shall vote to pay or redeem, each may contribute to the payment, &c.

If voted expedient to pay or redeem.

—trustees to give notice to bondholders, &c.

public notice thereof, which notice shall be published at least three weeks successively in the State paper, and such other newspapers as the trustees may think proper, if the time before the day of foreclosure will reasonably permit, and shall therein call upon all bondholders and other persons holding claims secured by such subsequent mortgage to pay their several proportions of the sum to be paid for the redemption of the prior mortgage; and shall therein state the time and place, and person to whom their several proportions shall be paid, together with the rate per cent. which each hundred dollars of the bonds or claims secured will be obliged to pay as near as conveniently may be. And if any person so interested shall fail to pay his proportion by the time fixed in said notice, then any such deficiency arising from such failure may be paid by any other person or persons holding bonds or claims secured as aforesaid; and the persons so paying any deficiency as aforesaid, shall succeed to all the rights which the person failing to pay as aforesaid would have had, if seasonable payment had been made by him, subject however, to the further right of redemption as hereinafter provided.

—stating time and place and person to whom proportions shall be paid.

—any person failing to pay, &c.

—person paying shall succeed to all rights, &c.

If voted not expedient to pay or redeem.

—bondholders, &c., may pay trustees to redeem prior mortgage.

—upon redemption, persons paying shall be vested with rights, &c.

SECT. 4. If no such meeting shall be seasonably called by the trustees of such subsequent mortgage as is provided for in this act, or if at such meeting duly called the bondholders or other persons holding claims secured by such mortgage, shall fail to vote that it is expedient to pay or redeem the prior mortgage, it shall be lawful and competent for any one or more of the bondholders or other persons so secured by such subsequent mortgage, to pay over to the trustees holding such mortgage, so much money as shall be necessary to redeem the said prior mortgage; and it shall be the duty of such trustees upon seasonable payment to them as aforesaid, to pay or redeem such prior mortgage therewith; and upon the redemption thereof, the persons so paying the money, shall stand in the same position and be vested with all the equitable rights which the other bondholders or other persons secured by such subsequent mortgage would have been entitled to if they had paid in due season their proportions thereof; and the trustees of the subsequent mortgage shall hold the real and personal

y so redeemed in trust for the benefit of the persons or furnishing the redemption money as aforesaid, sub-
 wever, to the same provision for further right of re-
 on which is provided in the following section for per-
 ling to pay their proportions after notice as is therein
 d.

—trustees shall hold property redeemed for persons furnishing redemption money.

5. Whenever any prior mortgage shall have been redeemed in pursuance of this act, and it shall appear trustees making such payment that any of the bond-
 or other persons holding claims secured by the subse-
 mortgage, which they represent have failed to pay their
 ion of the sum paid to redeem the prior mortgage, it
 the duty of such trustees to give public notice that all
 who have failed to pay their proportion as aforesaid,
 leem their several proportions by payment to said trus-
 their agent of the sum so paid or advanced in their be-
 th interest at the rate of twelve per cent. per annum
 at any time within one year from and after the first
 ion of said notice; and any payment so made to the trus-
 their agent within the time aforesaid, shall have the
 restore the persons so paying to the same position
 rest in the property embraced in the prior mortgage,
 hey would severally have been entitled to, if they
 d their proportion thereof, at any time before there
 ave been an absolute foreclosure of the prior mort-
 the same had not been paid or redeemed; and if no
 ment shall have been made within the year aforesaid,
 its of all persons so failing to pay their proportion,
 erest as aforesaid, in and to the property conveyed by
 r mortgage, shall be forever barred. All moneys paid to
 tees in pursuance of this section, shall be distributed pro
 ng the several persons who paid or advanced the same.
 ice aforesaid shall be published for at least ten weeks
 ssion in the State paper, and the first publication there-
 not be until after the prior mortgage would have
 foreclosed, if it had not been paid or redeemed.

Bondholders failing to pay their proportion to redeem.

—trustees shall give notice.

—if payment is made, rights restored.

—if payment is not made, rights barred.

Money paid to trustees shall be distributed pro rata.

Notice, how given.

6. All persons who have contributed or shall here-
 ntribute to the payment of any prior mortgage in pur-

Certain persons may organize a

new corporation,
&c.

Rights, priv-
ileges, &c.

Proviso.

When new
corporation is
formed.

—may issue
certificates of
stock.

—treasurer
shall issue
certificates for
fractions, &c.

Bondholders
may by vote
instruct
trustees to
extend time of
redemption of
mortgages.

suance of the provisions of this act, shall have the right to organize and form a new corporation with such name as they may designate, to be certified by the president and secretary of such new corporation to the secretary of State; and shall have and enjoy all the rights and privileges which are provided by law, or which would attach to the bondholders or other persons holding claims secured by such prior mortgage, if the same had been foreclosed without any payment or redemption thereof; *provided, however*, that the said rights and privileges, and also the chartered rights and immunities conferred upon the holders of bonds secured by a mortgage of a railroad and its franchise, upon a foreclosure thereof, under the provisions of chapter fifty-one of the revised statutes, shall be liable at any time to be amended, altered or repealed, at the pleasure of the legislature.

SECT. 7. When the foreclosure of a railroad mortgage shall have been completed and a new corporation formed, the president and treasurer of the new corporation shall issue certificates of stock therein to each holder of bonds or coupons, or other claims secured by the mortgage foreclosed, to the extent of one share for every hundred dollars so secured, so held at the time of foreclosure; and the treasurer shall issue certificates for the fractions, payable to the bearer in stock of the new corporation, when presented in sums sufficient to make one or more shares; and when such certificates shall be presented in sufficient sums to entitle the holder to one or more shares, the president and treasurer shall issue certificates of stock for the same accordingly.

SECT. 8. The holders of the bonds or other claims under any such mortgage as is described in the first section of this act, put on foreclosure, in any meeting called for that purpose, may by vote instruct the trustees to extend the time for the redemption of such mortgage; and thereupon the trustees of such mortgage shall be authorized and required by writing under their hands, given to the party entitled to redeem, to extend the time of the redemption, and the same shall be extended accordingly.

SECT. 9. In all cases where bondholders or other persons

ed by such subsequent mortgage shall avail themselves of the provisions of this act, the stockholders of the company a number of them desiring to do so, may have the privilege of redeeming the property described in such prior mortgage at any time within two years after such redemption on payment of such prior mortgage, to the trustees of such subsequent mortgage, with ten per cent. interest thereon until paid, together with the amount which shall be due to such redeeming bondholders or other claimants on bonds or other claims held against the property, secured by such subsequent mortgage with interest thereon; and thereupon such paying stockholders shall succeed to, and have all the rights and title, legal and equitable, in the mortgaged property as said bondholders or other claimants succeeded to, and were possessed of, under or by virtue of their said redemption, and of which they were deprived under such subsequent mortgage. And in case the earnings of such road if taken possession of, and managed by the trustees of such subsequent mortgage shall exceed the amount of the running expenses and necessary repairs and proper expenditures for the improvement and management of the road, such excess shall be deducted from the amount to be paid by the stockholders aforesaid, and shall be allowed by the trustees of such subsequent mortgage to the said stockholders, as so much payment towards the redemption of said mortgages. And if the earnings of said road shall prove insufficient to pay the cost of necessary repairs and prudent management of said road, such deficiency shall become an additional charge upon the road, and shall be paid to the stockholders as a part of the sum to be paid by the stockholders for the redemption thereof. And for the purpose of making redemption by stockholders, they shall have the same privilege of demanding and receiving from said trustees a true and correct account of the sums to be paid said trustees for the benefit of said stockholders and other claimants with interest due thereon; and shall have the same remedies in case of failure thereof, as are provided in case of mortgages of real estate. And in case of any dispute in relation to any matter involved in the proceedings of any person or party

When bondholders, &c., secured by subsequent mortgage shall avail themselves of this act.

—stockholders may redeem.

—within two years.

—shall succeed to all rights, &c.

Excess of earnings, how disposed of.

—if insufficient, shall be an additional charge upon the road, &c.

Stockholders, right to demand a true account of sums paid trustees.

—remedies in failure thereof.

In case of dispute, S. J. C. authorized on petition to adjudicate, &c.

Act shall not be construed to repeal or supersede rights, &c.

Stockholders redeeming to give notice to stockholders not redeeming.

—rights of notified stockholders.

under the provisions of this act, it shall be competent for the supreme judicial court, on petition of said trustees or any party interested as bondholder, stockholder, or other claimant aforesaid, and upon a hearing had thereon, to adjudicate such dispute, and make such decrees therein, as the said court may deem reasonable and just. But nothing in this act shall be construed to repeal or supersede any rights or remedies which any such stockholder, bondholder, or other claimant now has, or may enforce at law or in equity, relating to the subject matters of this act. And it shall be the duty of any stockholders, so redeeming, to give the same notices to all stockholders who have not contributed towards such redemption, as are provided in this act in the case of bondholders; and such notified stockholders, shall, respectively, have the same right and privilege of contributing to such redemption in proportion to their stock, as is provided in this act for bondholders or other claimants who have failed to pay their proper proportions before redemption to the trustees who first redeemed.

SECT. 10. This act shall take effect and be in force from and after its approval by the governor. *Approved March 25, 1864.*

LAWS OF 1865, CHAP. 315.

An act to repeal an act entitled "an act to promote safety of travel on railroads," approved March fourteen, eighteen hundred sixty.

Public laws of 1860, chap. 152, repealed.

Be it enacted, &c. SECT. 1. The act entitled "an act to promote safety of travel on railroads," approved March fourteen, eighteen hundred sixty, is hereby repealed.

SECT. 2. This act shall take effect when approved by the governor. *Approved February 24, 1865.*

LAWS OF 1865, CHAP. 321.

An act additional concerning railroads.

Railroad corporations may take real estate for depot purposes.

Be it enacted, &c. SECT. 1. A railroad corporation may take and hold real estate necessary for depot purposes, and when the parties interested do not consent thereto, and can-

agree upon other persons to determine the question of necessity and the extent thereof, the said corporation may make application to the railroad commissioners of this State, view the premises and determine whether, and how much land estate, is necessary for the reasonable accommodation of the traffic and appropriate business of the said corporation.

Question of necessity and extent, how determined.

Amended 1868, chap. 171; 1871, chap. 197; 1872, chap. 70.

SECT. 2. The said application shall be in writing, and shall contain a definite description of the estate, giving the name of the owner or owners, or other parties interested, and a hearing thereon shall be had at the expense of the said corporation, at such time, and at such place in the vicinity of the premises, as the said commissioners shall appoint, of which notice shall be given to all parties interested, in such manner as the said commissioners shall direct, fourteen days at least before the day appointed for the said hearing.

Application to railroad commissioner, how made.
Hearing and notice.

SECT. 3. If the said commissioners shall adjudge and determine, after such hearing, that the estate in question is necessary for the use of the corporation as aforesaid, they shall issue to the said corporation a certificate of their adjudication, together with a definite description of the estate so required by them to be necessary to the said corporation, which shall be filed with the clerk of the courts in the county in which the land lies; and thereupon the said corporation may enter upon, locate and take the said estate to the extent set forth in the said certificate; and the provisions of chapter 51 of the revised statutes and of all subsequent acts amendatory thereof, shall be applicable to all further proceedings in relation to the taking of the said estate, and the estimation and payment of damages therefor.

Adjudication of commissioners.

—their certificate.

Provisions of chap. 51, R. S., &c., applicable.

SECT. 4. Nothing in this act shall be construed to authorize the taking of any meeting house, dwelling house, or public or private burying ground, without the consent of the owners.

Property not liable to be taken.

SECT. 5. This act shall take effect when approved. *Approved February 24, 1865.*

See laws of 1836, chap. 204.

LAWS OF 1866, CHAP. 25.

An act additional concerning the redemption of railroad mortgages.

Be it enacted, &c. SECT. 1. When the foreclosure of any

Redemption of prior mortgages by assessment on stock, bonds, &c., authorized.

See laws of 1863, chap. 203, and 1864, chap. 265.

railroad mortgage has been completed and a new corporation has been organized from the holders of the bonds and coupons secured by said mortgage, or whenever such new corporation shall hereafter be completed and such new corporation shall have been organized as aforesaid, if the railroad conveyed by such foreclosed mortgage, or any part of said railroad, is subject or shall be subject to any prior mortgage or mortgages, put upon foreclosure, such new corporation, at any legal meeting duly called for that purpose, shall vote to redeem such prior mortgage or mortgages, and a further vote to lay an assessment upon all stock, bonds and coupons and certificates for fractions of stock of all persons interested in such foreclosed mortgage for the purpose of redeeming such prior mortgage or mortgages, to an amount not exceeding the amount required for such redemption.

Stockholders to vote on question of redemption and assessment, and directors to assent.

SECT. 2. Whenever in a legal meeting, the stockholders of such new corporation have voted to redeem such prior mortgage or mortgages and to make an assessment for that purpose, it shall be the duty of the directors of such new corporation forthwith to assess such a sum, not exceeding the amount required, for the redemption of such prior mortgage or mortgages.

Assessments, how made.

SECT. 3. Such sum shall be assessed upon all interests in said foreclosed mortgage in proportion to their several interests, whether stock, or certificates for fractions arising in the liquidation of bonds and coupons for stock, or bonds and coupons not commuted for stock.

Treasurer to give notice of percentage, time and place of assessment, by publication.

SECT. 4. The said directors shall fix a time and place for the payment of said assessment to the treasurer of said corporation, and said treasurer shall give notice of said assessment of the percentage laid upon those interested by the said corporation of the time and place fixed by the directors for the payment of the same, and shall call upon all persons liable to the payment of said assessment, by publishing an advertisement in the same six weeks successively, in one newspaper published in each of the counties where the railroad conveyed by such foreclosed mortgage, is situated, the last of said publication to be two weeks, at least, before the time fixed for the payment of said assessment.

SECT. 5. If any stockholder in said new corporation shall fail to pay his proportion of said sum, on or before the day fixed for the payment by said directors, the treasurer of said corporation shall sell the stock of such delinquent stockholder at public auction, or enough of said stock to pay the amount of said delinquent's assessment with twelve per cent. interest thereon, by the year, from the day fixed by said directors for payment of the same, and the cost of advertising and selling; the said treasurer first giving notice of the time and place of said sale by publishing an advertisement of the same three weeks successively before the day of sale, in some newspaper printed in the county where said sale shall be appointed, if any, and, if not, then in an adjoining county.

Stock of delinquent stockholders may be sold at auction.

Treasurer advertise sale of such stock.

SECT. 6. The president and treasurer of such corporation shall give to the purchaser of the shares so sold a certificate of the same, and the said certificate shall confer upon him a valid title to the same, and said delinquent stockholder shall surrender his certificate to be cancelled, and may have a new certificate for any number of his said shares, not sold at said auction, by paying for the excise stamp required.

Certificate of president, &c., shall constitute title to shares so purchased, &c.

SECT. 7. If the delinquent shall be the holder of bonds or coupons secured by such foreclosed mortgage, or of a certificate or certificates for fractions arising in commutation, he shall not be entitled to commute such bonds, coupons or certificates for fractions, for a certificate of stock, until he shall have paid to the treasurer of such new corporation, the full amount due upon the said assessment, with twelve per cent. interest by the year, from the time fixed by the directors for payment thereof.

Delinquents not entitled to certificates until assessments and interest is paid.

SECT. 8. No holder of any bonds or coupons secured by such foreclosed mortgage, or of any certificate or certificates for fractions arising upon commutation, shall be entitled to receive such bonds, coupons or certificates for fractions, share in any dividend of profits, that may be declared by the directors of such new corporation before he shall have satisfied and paid his proportion of the sum assessed, with interest at the rate of twelve per cent., by the year, from the time fixed for payment of the same by said directors, nor unless he shall

Holders of bonds, &c., not to share in dividends until proportional part of assessments, &c., is paid

previously have commuted his said bonds, coupons and certificates for fractions and taken a certificate of stock.

Moneys realized to be applied to redemption of prior mortgage.

SECT. 9. The directors of such new corporation shall apply all moneys realized from said assessment, to redeem prior mortgage or mortgages and for no other purpose, until the same are fully redeemed.

When redeemed, all property, &c., to vest in new corporation.

SECT. 10. And on the redemption of such prior mortgage or mortgages, all the property, rights and interests, secured thereby, shall vest in such new corporation. *Approved January 20, 1866.*

LAWS OF 1866, CHAP. 32.

An act to amend chapter fifty-one of the revised statutes.

Signs at railroad crossings to be placed at side of way instead of over and across same.

Be it enacted, &c. SECT. 1. Section twenty, of chapter fifty-one of the revised statutes, is hereby stricken out, and the following substituted therefor:—*Boards, with the word RAILROAD CROSSING distinctly painted thereon on each side, in letters plainly legible, are to be placed on the side of a way where it is crossed by a railroad, on post or other structure, in such position as to be easily seen by persons passing upon such way.*

SECT. 2. This act takes effect from and after its approval by the governor. *Approved February 21, 1866.*

LAWS OF 1866, CHAP. 36.

An act to amend chapter two hundred and twenty-eight of the public laws of eighteen hundred and sixty-four.

Bells on engines substituted for steam whistle when approaching crossings.

Be it enacted, &c. SECT. 1. The first section of chapter two hundred and twenty-eight of the public laws of eighteen hundred and sixty-four, is hereby amended, by adding thereto the following words, viz:—*provided, however, that when an engine is passing through any city, town or village, the bell may be used for a warning instead of the steam whistle.*

SECT. 2. This act shall take effect when approved. *Approved February 21, 1866.*

LAWS OF 1867, CHAP. 94.

act relating to the reports of railroad corporations and insurance companies.

Be it enacted, &c. The report of railroad corporations required to be made to the secretary of State, by section sixty-six, chapter fifty-one of the revised statutes, and the statements of insurance companies required by section twenty-three, chapter sixty-seven of the public laws of eighteen hundred and fifty-nine, to be transmitted to the secretary of State, shall hereafter be made and transmitted to the secretary of State in the month of January of each year, instead of the time now required by law. *Approved February 23, 1867.*

R. S., chap. 51, sect. 36, and chap. 67, sect. 21, laws of 1859, amended.

Reports of corporations to be made in the month of Jan. annually. Amended 1874 chap. 218.

LAWS OF 1867, CHAP. 119.

act authorizing any city or town in this State to raise money to aid in the construction of any railroad in this State.

Be it enacted, &c. SECT. 1. Any town or city in this State may, at any legal meeting duly notified and holden for that purpose, raise by tax or loan, such sums of money as they shall deem expedient, not exceeding five per cent. of the valuation of such town or city as made by the assessors thereof for the year in which said meeting shall be held, and may appropriate the same to aid in the construction of any railroad in this State, in such manner as they shall deem proper; *provided*, that two-thirds of the legal voters present and voting at such meeting shall vote therefor.

Any city or town may raise by loan of a sum not exceeding five per cent. of the valuation for constructing railroads.

Explanatory 1868, chap. 210. Amended 1870, chap. 81.

SECT. 2. Any town or city may make such contracts with any person or railroad corporation, now or hereafter existing under the laws of this State, for the purposes mentioned in the preceding section as they may think necessary, and may raise money by tax or loan to carry the same into effect, not exceeding the amount of said five per cent.

Authority to make contracts. 58 Me., 23.

SECT. 3. Any town or city raising money by loan under the provisions of this act, shall raise in each year, commencing the first year after such loan shall be effected, a sum not less than three per cent. of the amount of such loan, to be applied to the liquidation of the principal of such loan, in addition to

Sums to be raised in liquidation of such loans.

the interest, unless the same shall be satisfactorily provided for in some other way.

Selectmen or other agent, when authorized to vote at meeting of railroad corporations.

SECT. 4. Whenever any town or city shall hold any stock in any railroad, the selectmen are authorized to vote thereon at all meetings of such corporation, or may appoint an agent for that purpose, by writing, under their hands.

SECT. 5. This act shall take effect when approved by the governor. *Approved February 28, 1867.*

LAWS OF 1868, CHAP. 171.

An act to amend chapter three hundred and twenty-one of the laws of eighteen hundred and sixty-five, relating to railroads.

Public laws of 1865, chap. 321, sect. 1, amended.

Railroad corporations authorized to take land for depot, side tracks, shops, &c.

—extent to be determined by railroad commissioners when parties do not agree.

Be it enacted, &c. Section one of chapter three hundred and twenty-one of the public laws of the year eighteen hundred and sixty-five, is hereby amended, so that the section, as amended, shall read as follows:

“A railroad corporation may take and hold real estate for depot purposes, and for all necessary tracks or side tracks, wood sheds, repair shops, and car, engine and freight houses, and when the parties interested do not consent thereto, and cannot agree upon other persons to determine the question of necessity and the extent thereof, the said corporation may make application to the railroad commissioners of this State to view the premises, and determine whether, and how much of said estate is necessary for the reasonable accommodation of the traffic and appropriate business of the said corporation.” *Approved February 24, 1868.*

LAWS OF 1868, CHAP. 179.

An act giving additional powers to the railroad commissioners.

Examination of railroads by railroad commissioners.

Public laws of 1864, chap. 238, sect. 7, repealed.

Be it enacted, &c. SECT. 1. The examination of railroads, now required by law to be made by the railroad commissioners, shall be made at such times as they may deem necessary; and section seven of chapter two hundred thirty-eight of the public laws of eighteen hundred sixty-four, which limits the time to which said examination shall be made, is hereby repealed.

SECT. 2. Whenever a serious accident occurs on any railroad in this State, and any person or persons are injured

GENERAL RAILROAD LAWS.

thereby, it shall be the duty of the railroad commissioners to proceed immediately to the place where the accident occurred, and to make an examination into the cause of said accident, with authority to send for persons and papers, and make a statement of the cause and result of said accident in their annual report, and also in such other manner as they may deem requisite.

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report.

SECT. 3. All expenses incurred under the provisions of this act shall be paid by the respective railroads examined by said commissioners, at a rate of compensation as now provided by law. *Approved February 27, 1868.*

Expens
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how pe

LAWS OF 1868, CHAP. 186.

An act additional to chapter fifty-one of the revised statutes relating to the satisfaction of judgments against railroad corporations in certain cases.

Be it enacted, &c. SECT. 1. Whenever any railroad corporation running cars and engines over its road in this State and doing any damage to the property of individuals along the line of such road for the want of sufficient fences, or by setting fires from its engines, or in any other manner for which such railroad corporation shall be held liable by law for which judgment shall be recovered in any of the courts of this State and execution issued upon such judgment, shall remain unsatisfied for the space of ninety days after a written demand upon its superintendent or treasurer, the rolling stock or any part thereof used or worked upon such railroad, whether owned by the corporation owning said railroad or by other parties in whole or in part, shall be holden to satisfy such judgment, and such rolling stock or any part thereof sufficient may be seized upon any execution issuing upon such judgment, and sold to satisfy the same, observing the requirements of law for the sale of personal property in other cases.

Repeal
chap. 1

Rolling
railroad
be seized
sold on
execut

SECT. 2. This act shall take effect when approved. *Approved February 29, 1868.*

LAWS OF 1868, CHAP. 193.

An act additional to "an act to secure the safety and convenience of travellers on railroads," approved March twenty-six, anno domini eighteen hundred and fifty-eight.

Be it enacted, &c. SECT. 1. All expressmen and all persons engaged in express business, shall have reasonable and equal terms, facilities, and accommodations for the transportation of themselves, their agents and servants, and of any merchandise and other property, upon any railroad owned or operated in this State, and for the use of the depot and other buildings and grounds of such corporation, and at any point of intersection of two railroads, reasonable and equal terms and facilities of interchange.

All express companies entitled to equal privileges on railroads in this State.

57 Me., 188.

Penalty for withholding such privileges.

SECT. 2. Every railroad corporation offending against the provisions of the foregoing section, shall be liable to a penalty, not exceeding five hundred dollars, to be recovered by indictment, and to the party aggrieved, in an action of damages.

SECT. 3. This act shall take effect when approved. *Approved February 29, 1868.*

LAWS OF 1868, CHAP. 208.

An act in relation to bills in equity brought to redeem mortgages given by railroad corporations.

Be it enacted, &c. In bills in equity brought to redeem mortgages given by railroad corporations to secure their bonds, or other indebtedness, it shall not be necessary to allege or prove a tender of the amount due thereon; but an averment therein that the complainants are ready and willing to redeem upon account rendered shall be sufficient to authorize the maintainance of such bill, if said bill is otherwise maintainable. This act shall not be construed to apply to any proceedings for the foreclosure of any such mortgage that shall have been had prior to the filing of such bill in equity. *Approved March 6, 1868.*

Allegation of tender of amount due on mortgage not necessary in bills in equity to redeem mortgages given by railroad corporations to secure their bonds.

GENERAL RAILROAD LAWS.

LAWS OF 1868, CHAP. 210.

An act explanatory of chapter one hundred and nineteen of the public laws of eighteen hundred sixty-seven, entitled "an act authorizing any city or town in this State to raise money to aid in the construction of any railroad in this State."

Be it enacted, &c. **SECT. 1.** Chapter one hundred nineteen of the public laws of eighteen hundred sixty-seven, entitled "an act authorizing any city or town in this State to raise money to aid in the construction of any railroad in this State," shall not be construed so as to give any city or town the right to make such subscription for more than five per cent. in the whole, to one or more railroads, or to aid in the construction of any railroad by a loan of its credit or otherwise, to an amount exceeding said five per cent., unless authorized by an act of the legislature. *Approved March 6, 1868.*

LAWS OF 1870, CHAP. 81.

An act additional to an act entitled "an act authorizing any city or town in this State to raise money to aid in the construction of any railroad in this State," approved February twenty-eight, one thousand eight hundred and sixty-seven.

Be it enacted, &c. **SECT. 1.** Legal meetings in cities contemplated in the first section of an act entitled "an act authorizing any city or town in this State to raise money to aid in the construction of any railroad in this State," approved February twenty-eight, in the year of our Lord one thousand eight hundred and sixty-seven, shall be called, notified and warned by the mayor and aldermen of such cities, whenever directed by the common council of such cities, in the same manner that meetings for the election of municipal officers of such cities are now called, notified and warned, and such common council shall, in their order directing the mayor and aldermen to call such meeting, set forth in substance the proposition to be submitted to the legal voters by such warrant. At such meetings the legal voters shall vote in their respective wards by written or printed ballots, those in favor of the proposition submitted by the warrant calling such

Votes, how
counted and
declared.

meeting, having on their ballots the word "yes," and those opposed to said proposition having on their ballots the word "no." The ballots given in shall be sorted, counted and declared in open ward meetings and shall be registered in the ward records. The clerk of each ward shall make return of all the ballots given in in his ward, and the number in favor of the proposition submitted by the warrant calling such meeting, and the number of ballots against said proposition, to the board of aldermen of such city. Such board shall examine said returns, and if two-thirds of the whole number of ballots cast are in favor of the proposition submitted by the warrant, then the municipal officers of such city shall forthwith proceed to carry the same into effect according to the provisions of the act to which this is additional.

SECT. 2. This act shall take effect when approved. *Approved February 4, 1870.*

LAWS OF 1870, CHAP. 82.

An act to amend section twenty-four of chapter fifty-one of the revised statutes, relating to trespasses on adjoining land.

R. S., chap. 51,
sect. 24, relat-
ing to remedy
of owner of
land adjoining
a railroad for
neglect to fence.

Be it enacted, &c. Section twenty-four of chapter fifty-one of the revised statutes is amended as follows, by inserting in the second line of said section, after the word "superintendent," the words, "or treasurer, or by leaving the same at the office of either," and by striking out in the fourth line of said section the word "thirty" and inserting therein the word "seven," and striking out all of said section after the word "dollars," so that said section as amended shall read as follows:

Notice may be
given to or left
at the office of
superintendent
or treasurer.
See law of
1875, chap. 17.

"SECT. 24. The owner of land adjoining a railroad may give written notice to its superintendent or treasurer, or by leaving the same at the office of either, that such fence is not made, or that it needs repair. For neglect to make or repair it for seven days after such notice, the corporation forfeits to such owner one hundred dollars." *Approved February 7, 1870.*

GENERAL RAILROAD LAWS.

LAWS OF 1870, CHAP. 99.

An act to amend chapter fifty-one, section forty-eight of the revised statutes relating to railroads.

Be it enacted &c. Section forty-eight of chapter fifty-one of the revised statutes is hereby amended by striking out the words "five hundred" and inserting the words, "one hundred and fifty;" and it is further amended by adding after the words, "eight miles an hour," the following: "except when from the condition of the track, or train, it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor, or person in charge of the train, to cause some man to stand at said crossing, with a flag by day and a lantern by night, to warn any approaching train upon the other road," so that the section as amended shall read as follows:

R. S.,
sect. 48
ing to
crossin
amend

"SECT. 48. When a railroad crosses another railroad on the same grade, every engineman on both, when approaching the point of intersection with an engine, with or without a train, shall stop his engine within one hundred and fifty feet of such point, and before reaching it, and shall not pass it at a rate exceeding eight miles an hour, except when from the condition of the track or train it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor or persons in charge of the train to cause some man to stand at said crossing with a flag by day and a lantern by night, to warn any approaching train upon the other road; and when two or more crossings on the same road are within four hundred feet of each other, one stop will be sufficient; and if he violates this provision, he shall forfeit for each offence one hundred dollars; and the corporation on whose road the offence is committed shall forfeit two hundred dollars." *Approved February 28, 1870.*

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road.

Except

Amend
chap. :

LAWS OF 1870, CHAP. 155.

An act to amend section one, chapter fifty-one of the revised statutes, and to repeal chapter one hundred eighty-six of the public laws of the year eighteen hundred and sixty-eight, relating to railroads.

Be it enacted, &c. SECT. 1. Section one of chapter fifty-

R. S.,
sect. 1

to petitions for
incorporation of
railroads,
amended.

one of the revised statutes, is hereby amended, by striking out all after the word "course," in the third line, so as to read as follows :

"SECT. 1. When a petition for a railroad corporation is presented to the legislature, it must state the places where the road is to begin and end, the distance between them and its general course."

Public laws
1868, chap. 186,
relating to en-
forcing judg-
ments against
railroad corpo-
rations
repealed.

SECT. 2. Chapter one hundred and eighty-six of the public laws of the year eighteen hundred and sixty-eight, is hereby repealed.

SECT. 3. This act shall take effect when approved. *Approved March 21, 1870.*

LAWS OF 1871, CHAP. 177.

An act to authorize railroad companies to fix the number of directors.

Railroad com-
panies may fix
the number of
directors.

Be it enacted, &c. SECT. 1. Any railroad company in this State may at its annual meeting fix the number of directors of said company, provided notice be given in the call for said meeting of an intention to act upon said subject.

SECT. 2. This act shall take effect when approved. *Approved January 26, 1871.*

LAWS OF 1871, CHAP. 186.

An act concerning the liability of railroads for defective crossings.

Railroad com-
panies may
assume the
defence of suits
against towns
for defective
railroad
crossings.

Be it enacted, &c. SECT. 1. In any action against the inhabitants of a town for damages alleged to have occurred by reason of a defect in a railroad crossing, constituting a part of a highway which said town is obliged to keep in repair, the railroad company owning or occupying such crossing, may be notified of the pendency of the suit, and may take upon itself the defence of the same. *Approved February 15, 1871.*

LAWS OF 1871, CHAP. 195.

An act defining the notice on petitions for assessment of damages for lands taken by railroad corporations.

Be it enacted, &c. SECT. 1. In all cases of petition to the county commissioners of any county praying for the assess-

ent of damages on account of any railroad corporation having taken any lands therein, the notice to be given to the adverse party of the time and place of the hearing thereon, shall be a personal notice of fourteen days, or by publication of the petition and order of notice thereon in some newspaper published in said county, two weeks successively, the last publication to be fourteen days before said hearing.

Notice on petitions for assessment of damages for lands taken by railroad corporations.

SECT. 2. This act shall take effect when approved. *Approved February 22, 1871.*

LAWS OF 1871, CHAP. 197.

An act amendatory of chapter fifty-one of the revised statutes, relating to railroads.

Be it enacted, &c. Section three of chapter fifty-one of the revised statutes of eighteen hundred and seventy-one, is hereby amended, by inserting after the word "time," in the seventh line of said section, the following: "provided however, that when land is held by a tenant for life, and the reversion is contingent as to the persons in whom it may vest, on the termination of the life estate, such fact shall be stated in the application, and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all persons interested in such manner as they shall deem proper." *Approved February 22, 1871.*

Sect 3, chap. 51, R. S., relating to hearings by railroad commissioners to decide as to necessity of taking land for side tracks, depots and other buildings, amended.

LAWS OF 1871, CHAP. 198.

An act amendatory of chapter fifty-one of the revised statutes relating to the issue of bonds by railroad corporations.

Be it enacted, &c. SECT. 1. Section twenty-eight of chapter fifty-one of the revised statutes of eighteen hundred and seventy-one is hereby amended by striking out in the fourth line of said section the words "not exceeding six per cent."

Rate of interest on bonds issued by railroad corporations.

SECT. 2. This act shall take effect when approved. *Approved February 22, 1871.*

LAWS OF 1871, CHAP. 204.

An act giving additional powers to the railroad commissioners.

Be it enacted, &c. SECT. 1. The railroad commissioners,

The railroad commissioners, upon petition, may order the erection of a depot, when the public convenience require it.

upon petition of responsible parties, representing that the public convenience and necessity require the erection and maintenance of a depot for freight and passengers, or a passenger station, on the line of any railroad, after fourteen days' notice by copy of said petition upon such corporation, and by publishing said petition, with the order of said commissioners thereon, in such public newspaper as shall be designated in said order two weeks successively, the last publication to be prior to the time fixed for said hearing, shall hear the parties and determine whether the prayer of the petitioners shall be granted; and if such prayer is granted shall determine at what place or places a depot or station shall be erected, or maintained if erected, and whether for passengers or for passengers and freight.

The commissioners to designate the site and what kind of depot shall be built.

SECT. 2. It shall be the duty of said commissioners to designate the site and what kind of buildings shall be erected and maintained, as the case may seem to demand, and the time in which said corporation shall comply with said order.

Proceeding if the railroad corporation refuse to comply with the order of the commissioners.

SECT. 3. If said railroad corporation refuse or neglect to comply with the order of said commissioners within the time prescribed therein, said commissioners shall enforce a compliance as provided in section seventy-five of chapter fifty-one of the revised statutes of eighteen hundred and seventy-one, in relation to making repairs of railroads.

Payment of costs of hearing the petitioners.

SECT. 4. In all cases heard before the commissioners under the provisions of this act, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by the railroad corporation against whom the complaint is made, if the prayer of the petitioners is granted, and in case the prayer of the petitioners is denied such costs and compensation shall be paid by the petitioners. If the party or parties against whom costs are adjudged as aforesaid shall refuse or neglect to pay the same within thirty days after such adjudication, upon complaint for such costs made by said commissioners to any one of the justices of the supreme judicial court, such justice may cause execution to issue therefor.

SECT. 5. This act shall take effect when approved. *Approved February 24, 1871.*

GENERAL RAILROAD LAWS.

LAWS OF 1871, CHAP. 218.

An act relating to fencing railroads.

Be it enacted, &c. SECT. 1. Whenever any railroad finished and in operation is not fenced or its fences need repair, shall neglect to make or repair the same for ten days after written notice by any person served on either of the directors, the superintendent, or treasurer thereof, said corporation shall forfeit to the person giving said notice one hundred dollars, and shall be liable for all damages to any person on account of such neglect after ten days' notice as aforesaid.

Penalty
neglect to
road or
to keep
fenced

SECT. 2. The twenty-first section of chapter fifty-one of the revised statutes is hereby repealed.

Sect. 1
51, R.
ed.

SECT. 3. This act shall take effect when approved. *Approved February 25, 1871.*

LAWS OF 1871, CHAP. 219.

An act authorizing any railroad company to locate and construct branches in the towns through which it passes.

Be it enacted, &c. SECT. 1. Any railway corporation is hereby authorized to locate, under the direction of the railroad commissioners, construct and maintain branch railroad tracks to any mills or manufacturing establishments now or hereafter erected in any town or township, but not within the limits of any city without the consent of the city council of said city through which the main line of said railroad is or may be constructed, and for that purpose shall have all the powers and rights granted, and be subject to all the duties imposed upon said corporation by its charter.

Railroad
companies
authorized to
construct
railroad
to mill
manuf.
establish

SECT. 2. This act shall take effect when approved. *Approved February 25, 1871.*

LAWS OF 1871, CHAP. 223.

An act regulating railroad corporations.

Be it enacted, &c. SECT. 1. No railroad company shall limit the right of a ticket holder to any given train, but such ticket holder shall have the right to travel on any train, whether regular or express train, and shall have the privilege

Ticket
railroad
for six
unless
used.

Does not apply
to excursion
tickets.

See chap. 105,
laws of 1873.

of stopping at any of the stations along the line of the road at which such trains stop ; and such ticket shall be good for a passage as above for six years from the day it was first used.

SECT. 2. This act shall take effect when approved. *Approved February 25, 1871.*

LAWS OF 1872, CHAP. 25.

An act relative to railroads.

Prohibition
against change
of location of
railroad tracks
or refusal to
operate road.

Be it enacted, &c. No railroad having established its business upon a line shall substantially deviate from the track as originally built and used without the consent of the legislature, and no railroad having established its business as aforesaid shall cease to run its trains and operate its road, so long as said railroad company shall pay dividends to its stockholders from its earnings ; but this act shall not be construed as a permission to any railroad company to cease operating its road or running its trains. *Approved February 23, 1872.*

LAWS OF 1872, CHAP. 28.

An act concerning railroads.

Any stockhold-
er in a railroad
company meet-
ing may call for
a stock vote.

Be it enacted, &c. Any stockholder, or representative of any stockholder, in any railroad company shall have power to call for a stock vote of such company at any meeting of the stockholders of such company, on any question that may be legally before such meeting, anything in the charter or by-laws of such company to the contrary notwithstanding. *Approved February 23, 1872.*

LAWS OF 1872, CHAP. 32.

An act additional respecting railroads, relating to location and construction near depots of other railroads.

Location of rail-
road near the
depot of another
company.

Be it enacted, &c. SECT. 1. No railroad company shall construct or maintain any track, or run any engines or cars on any street or highway so near any depot of any other railroad as to endanger the safe and convenient access to and use of such depot for ordinary depot purposes.

SECT. 2. No railroad company shall take the grounds occupied by any other railroad company and necessary for its use

for depot purposes, without the consent of such company. When application is made to take any such grounds, the railroad commissioners, upon notice and hearing thereon, shall determine whether the land proposed to be taken is necessary as aforesaid or not, and whether any public necessity requires it to be taken.

Proceedings when a railroad company desires to locate upon grounds occupied by another company.

SECT. 3. All acts and parts of acts inconsistent with this act are so modified as to render them consistent therewith.

SECT. 4. This act shall take effect when approved. *Approved February 24, 1872.*

LAWS OF 1872, CHAP. 40.

An act to amend section sixteen of chapter fifty-one of the revised statutes relating to railroad crossings.

Be it enacted, &c. Section sixteen of chapter fifty-one of the revised statutes is amended to read as follows :

R. S. chap. 51, sect. 16, relating to the crossing of a railroad or canal by a railroad, amended

“SECT. 16. A railroad may be carried over or under a canal or railroad in such manner as not unnecessarily to impede the travel or transportation of them. The corporation making such crossing is liable for damages occasioned by it in an action on the case. Bridges and their abutments constructed for a crossing of any way, are to be kept in repair by the corporation, or persons or parties running trains on any railroad crossing a highway or town way. The municipal officers of any city or town may give notice in writing to such persons, parties or corporations that a bridge required at such crossing has not been erected, or is out of repair and not safe and convenient, within the requirements of section forty, chapter eighteen of the revised statutes, or that the crossing of any such highway or town way passing such railroad at grade within their respective cities or towns is not made or maintained safe and convenient as required by section forty aforesaid; and it shall be the duty of such persons, parties or corporations to erect or repair such bridge, or make such crossing safe and convenient as aforesaid, within ten days from the service of said notice; and if they neglect so to do, any one of said municipal officers may apply to any justice of the supreme judicial court, in term time or vacation, to compel such per-

Repair of bridges and abutments for crossings.

sons, parties or corporations to erect or repair such bridge or make such crossing as aforesaid; and after hearing, such justice or court may make any order thereon the public convenience and safety may require, and compel the respondents to comply therewith by injunction." *Approved February 27, 1873.*

LAWS OF 1872, CHAP. 70.

An act authorizing railroad corporations to take lands for borrow and gravel pits.

Railroad corporations authorized to take lands for borrow and gravel pits.

Be it enacted, &c. Any railroad corporation may purchase or take and hold, as for public uses, land and the materials thereon; for borrow or gravel pits, for the construction and repair of its road, in the manner and under the restrictions provided in chapter fifty-one, sections two and three of the revised statutes. *Approved February 29, 1872.*

LAWS OF 1872, CHAP. 84.

An act concerning railroad corporations.

Railroad corporations authorized to establish fares and tolls, subject to revision and alteration by the legislature.

Be it enacted, &c. Any railroad corporation may establish for its sole benefit, fares, tolls and charges, upon all passengers and property, conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and may from time to time by its directors regulate the use of its road; *provided*, that such rates of fares, tolls and charges, and regulations shall at all times be subject to revision and alteration by the legislature, or such officers or persons as the legislature may appoint for the purpose, anything in the charter of any such railroad corporation to the contrary notwithstanding. *Approved February 29, 1872.*

LAWS OF 1873, CHAP. 95.

An act relating to damages for land taken for railroad purposes.

Appeal from decision of county commissioners by parties aggrieved, when made.

Be it enacted, &c. Any person aggrieved by the decision or judgment of the county commissioners in relation to damages for land taken for railroad purposes, may appeal therefrom to the next term of the supreme judicial court which shall first be holden in the county where the land is situated, more than thirty days from and after the day when the report

GENERAL RAILROAD LAWS.

If the commissioners estimating said damages is made, excluding the day of the commencement of the session of said court, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment and issue execution for the damages recovered with costs to the party prevailing in the appeal. The appellants shall serve written notice of such appeal upon the railroad company fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. On the trial, exceptions may be taken to the ruling of the court as in other cases. *Approved February 11, 1873.*

Damages
determin

Notice of
peal, how

Exception
ruling ma
taken.

LAWS OF 1873, CHAP. 105.

An act to amend section one, chapter two hundred and twenty-three, of the public laws of eighteen hundred and seventy-one relating to fares on railroads.

Be it enacted, &c. SECT. 1. The provisions of section one, chapter two hundred and twenty-three of the public laws of eighteen hundred and seventy-one, shall not apply to excursion tickets sold for a less price than the regular fare.

Excursion
return ti

SECT. 2. This act shall take effect when approved. *Approved February 19, 1873.*

LAWS OF 1873, CHAP. 108.

An act to amend chapter one hundred and eighteen, section six of the revised statutes, relative to the penalty for placing obstructions on railroads.

Be it enacted, &c. That chapter one hundred and eighteen, section six, of the revised statutes, be amended in the second line by inserting after the words "any part of" the words, "an engine, car, signal," and in the sixth line by changing the word "second" to "first," and in the eighth line by changing the word "thirty" to "sixty," and in the ninth line after the words "hard labor" so change as to read "during life or for a term of years," so that said section when amended shall read as follows:

See law
chap. 19
1, 2, 3.

"SECT. 6. Whoever wilfully and maliciously displaces a

Penalty for destroying human life by obstructing railroads.

—for endangering human life, &c., by obstructing railroads.

switch or rail, disturbs, injures or destroys any part of an engine, car, signal, track or bridge of any railroad, or places any obstruction thereon with intent that any person or property passing on the same should be thereby injured, and human life is thereby destroyed, shall be deemed guilty of murder in the first degree and punished accordingly. If human life is thereby endangered and not destroyed, or property is injured, he shall be punished by solitary confinement not more than sixty days, and afterwards by imprisonment and hard labor during life or for a period of not less than ten years." *Approved February 21, 1873.*

LAWS OF 1873, CHAP. 126.

An act to prevent injury to railroad fences or property.

Penalty for injuring railroad fences, &c.

Be it enacted, &c. SECT. 1. Any person who shall take down or intentionally injure any railroad fence, which has been erected to protect the line of any railroad in this State, or shall turn any horse, cattle or other animals, upon or within the enclosures of said railroads, shall, upon complaint and conviction thereof, before any court of competent jurisdiction, be fined not less than ten nor more than one hundred dollars to be paid into the treasury of the county wherein the offense was committed, or imprisoned not less than ten days or more than six months, in the jail of said county at the discretion of said court.

SECT. 2. This act shall take effect when approved. *Approved February 24, 1873.*

LAWS OF 1874, CHAP. 158.

An act additional to chapter one hundred and five of the revised statutes relating to gambling in railroad cars.

Gambling on railroads, prohibited.

Be it enacted, &c. SECT. 1. Whoever within the State of Maine, upon any railroad train or in any railroad car, or upon any steamboat, gambles, or bets upon any person gambling, shall be punished by fine not less than one hundred dollars, or by imprisonment not less than three months, or both, at the discretion of the court.

SECT. 2. Every conductor or any other person having

GENERAL RAILROAD LAWS.

in charge of any railroad train, is hereby authorized and required to arrest or cause to be arrested any person or persons gambling on his train, and retain them in his custody till a warrant can be procured from the proper authorities, and is hereby empowered to call upon and employ all necessary aids to make such arrests and detain the accused.

Gambling
railroads,
ties to be
rested.

SECT. 3. A copy of this act shall be conspicuously posted in every saloon and palace car used on any railroad in this State, and in every steamboat doing any business in this State.

Copy of th
to be poste
cars and o
steamboat

SECT. 4. Any railroad company, steamboat company or the proprietors of any steamboat, refusing or neglecting to comply with the provisions of section three of this act, shall forfeit for each offence the sum of one hundred dollars, to be recovered by indictment in any county in which said railroad company runs trains or the steamboat does business.

Penalty fo
violation.

SECT. 5. This act shall take effect when approved. *Approved February 10, 1874.*

LAWS OF 1874, CHAP. 164.

An act to amend section forty-two of chapter fifty-one, revised statutes, relating to the stopping of railroad trains at crossings.

Be it enacted, &c. Section forty-two of chapter fifty-one, revised statutes, is amended by striking out the words "one hundred and fifty," and inserting instead thereof, the words "five hundred," so that said section shall read as follows:

Sect. 42, c
51, R. S. ar
ment of.

"When a railroad crosses another railroad on same grade, every engineman on both, when approaching the point of intersection, with an engine with or without a train, shall stop his engine within five hundred feet of such point and before reaching it, and shall not pass it at a rate exceeding eight miles an hour, except when from the condition of the track or train it shall be necessary to run at greater speed, and in that case the conductor or person in charge of the train shall cause some person to stand at said crossing, with a flag by day and a lantern by night, to warn trains approaching on the other road; but when two or more crossings on the same road are within four hundred feet of each other one stop will be sufficient; and if he violates this provision he shall forfeit, for each

Regulation
railroad cr
ings.

Signals to
approach
trains.

Penalty for
violation.

offence, one hundred dollars, and the corporation on whose road the offence is committed shall forfeit two hundred dollars." *Approved February 17, 1874.*

LAWS OF 1874, CHAP. 189.

An act to amend section eighteen of chapter fifty-one of the revised statutes, relating to gates on highways crossed by railroads.

Sect. 18, ch. 51,
R. S., amend-
ment of.

Be it enacted, &c. SECT. 1. Section eighteen of chapter fifty-one, of the revised statutes, is hereby amended by striking out the word "railroad," in the second line, and inserting the word "way," and by striking out the words "crossing a way," in the third line, and inserting the words "is crossed by a railroad," so that said section as amended shall read as follows:

Gates at rail-
road crossings
to be erected, if
required by
towns.

Neglect or re-
fusal, proceed-
ings in case of.

"SECT. 18. When the municipal officers of a town deem it necessary for public safety that gates should be erected across a way where it is crossed by a railroad, and that a person should be appointed to open and close them, they may, in writing, request it to be done; and in case of neglect or refusal they may apply to the county commissioners to decide upon its reasonableness, who after notice and hearing, are to decide. When they decide that such a request is reasonable, the corporation is to comply with it and pay the costs. When they decide otherwise the costs are to be paid by the applicants."

SECT. 2. This act shall take effect when approved. *Approved February 24, 1874.*

LAWS OF 1874, CHAP. 204.

An act additional to chapter fifty-one of the revised statutes relating to railroads.

Railroads ne-
glecting to run
trains.

Petition to
supreme court.

Be it enacted, &c. SECT. 1. Whenever any railroad corporation within this State which has commenced receiving tolls, has or shall hereafter neglect or refuse to regularly run trains upon and operate its road for the transportation of passengers and freight for the space of sixty days at any one time, the railroad commissioners of this State, or any ten citizens residing in any county through which said railroad extends, may petition the supreme judicial court in any county through

which such railroad extends, setting forth therein such neglect and refusal to so run trains and operate its road; which petition, before entry in court, may be presented to any justice of the court in term time or vacation, who shall order not less than fourteen days' notice thereon to be served on such corporation. The petitioners shall give written notice to the attorney general or the county attorney of the county in which said petition is filed, of the filing thereof, one of whom shall appear and take charge of the proceedings in court. The court shall appoint a hearing, and at or after said hearing, if the allegations in such petition are found to be true, and if in the opinion of the court public necessity and convenience require it, shall appoint some suitable person or persons or some other railroad corporation, a receiver or receivers, to take possession and control of said railroad, together with all corporation property belonging to the same, and require such receiver or receivers to give bond to said railroad corporation in a reasonable sum, with sureties satisfactory to the court, for the faithful discharge of his or their trust, also to determine the compensation of such receiver or receivers.

Order of notice.

Notice to be given to attorney general or county attorney.

Court appoint a hearing.

Receivers shall be appointed.

—to give bond.

SECT. 2. Such receiver or receivers as soon as he or they have given the required bond shall give notice of his or their appointment by publishing the same three weeks successively in one newspaper printed in each county through which said road extends, and shall immediately take possession and control of said railroad, all its rolling stock, depots, together with all appendages belonging to the same, and necessary for the convenient use of the same, and shall diligently proceed to repair and refurnish said railroad, its rolling stock and other appendages, and run and operate the same for the accommodation of the public. Said receiver or receivers shall have the same authority to demand and receive tolls and otherwise manage said railroad and be subject to the same restrictions as are conferred and enjoined by the charter of said railroad upon its original corporators, and as is now or may hereafter be provided by law.

—notice of appointment.

—duties of.

—authority of.

SECT. 3. In case said railroad, its track, bridges, rolling stock, and other appendages, shall be found to be so out of

Receivers
authorized to
raise money by
loan to repair
railroad.

Lien created for
payment of
loan.

Railroad re-
stored to corpo-
ration on cer-
tain conditions.

Proviso.

Corporation to
give bond to
State to keep
railroad in
repair.

repair, or insufficient in amount to safely or successfully operate the same, and the earnings are not sufficient to repair said railroad, its track, bridges, rolling stock, and other appendages or rebuild or refurnish the same, said receiver, or receivers, is and are hereby authorized to raise, by loan, a sufficient sum of money, not exceeding five thousand dollars per mile, to so repair, rebuild or refurnish said railroad, its track, bridges, rolling stock and other appendages, said loan to bear a reasonable rate of interest, not exceeding eight per cent., payable semi-annually, and the principal payable within twenty years. A lien is hereby created on the franchise and all the property, real and personal, road, roadbed, track, depots, buildings, and equipment, pertaining to and constituting said railroad, for the payment of the principal and interest of said loan. Said loan, secured by this lien, shall take precedence over any and all mortgages, bonds, stock, or other title or claim of indebtedness of any kind whatsoever, then existing or hereafter created on said railroad.

SECT. 4. Any judge of the supreme judicial court sitting in the county where the original petition was filed, on petition of said railroad corporation or the owners of the same, and after reasonable notice to such receiver or receivers, may revoke his or their authority and restore the possession and control of said railroad to said railroad corporation or its owners by their paying the principal and interest of the aforesaid loan then existing, together with such sum of money due said receiver for his or their personal services, together with all expenses incurred in operating and repairing said railroad and its appendages during his continuance in his said capacity, over and above the earnings of the same; *provided, however,* said railroad corporation or its owners shall give bond to the State in such sum as the court may order, with sureties satisfactory to the court, conditioned that such railroad corporation or its owners thus seeking to receive possession shall operate and keep in repair said railroad, its rolling stock, and other appendages to the satisfaction of the railroad commissioners, for the term of five years next following said order.

SECT. 5. In case said receiver or receivers and said railroad

corporation or owners are unable to agree upon the amount due said receiver or receivers from said railroad corporation and its owners, it shall be referred by order of court to the determination of the railroad commissioners, and whose decision made to said court and accepted shall be final in the premises, and in no case shall said railroad corporation or its owners receive possession and control of said railroad until said receiver or receivers are paid or tendered the full amount due him or them, as aforesaid, except by his or their written consent.

In case of disagreement, railroad commissioners to decide amount due receivers.

SECT. 6. The court shall have power and is hereby authorized to fill any or all vacancies that may occur by death or resignation in said office of receiver, also at the time of appointing said receiver or receivers or at any subsequent time during the term of their continuing in said capacity, to issue all orders or decrees necessary to aid such receiver or receivers in the full and faithful discharge of his or their said trust, and to cause the same to be promptly enforced.

Vacancies in office of receivers, how filled.

SECT. 7. All questions of law arising under the provisions of this act shall on motion of either party be at once certified to the presiding justice and transmitted to the chief justice, to be argued in writing by both sides within thirty days thereafter, be considered and decided by the justices of said court as soon as may be, and the decision thereon certified to the clerk of courts of the county where the case is pending, and judgment made up as of the term next preceding the time of receiving the certificate.

Questions of law, how determined.

SECT. 8. This act shall take effect when approved. *Approved February 28, 1874.*

LAWS OF 1874, CHAP. 218.

An act amendatory of and additional to chapter fifty-one of the revised statutes concerning railroads.

Be it enacted, &c. SECT. 1. Section thirty of chapter fifty-one of the revised statutes is amended so as to read as follows:

“SECT. 30. Every railroad corporation shall make an annual report to the railroad commissioners on or before December first, of its operations for each year ending September thirtieth, to be verified by the oath of its treasurer. It is to state:

Sect. 30, chap. 51, R. S., amendment of. Report of railroad corporations to commissioners, when and how made.

Length of road. —double or single track and how laid.	first, the length of the road in operation, the length of track, the length of double track, the length of sidings and spur tracks, the time when laid, the length laid with steel the weight of rail per yard, the length laid with fished and of what sort, the length laid in chair joints, and the length laid with Whitman's improved cross-ties; second, the capital stock, and the amount called and paid in; third, the cost of the road, showing the amount expended in the purchase of lands, for grading, for masonry, for bridging, for the expenses of engineering, for passenger cars, for freight and other cars, for locomotives, and for the total expense of construction; fourth, the amount and nature of its indebtedness; its dues; fifth, the whole cost of operating; sixth, number of passenger trains during the year; seventh, number of freight trains during the year; eighth, number of mixed trains during the year; ninth, average number of passengers per train; tenth, average number of tons of freight per train; eleventh, the number of through and way passengers and the amount of fare; twelfth, average receipts per passenger per mile; thirteenth, average receipts per ton of freight per mile; fourteenth, the number of through and way passengers and the amount of fare; fifteenth, the amount of receipts from passengers and freight originating along the line of the road; sixteenth, the amount of receipts from passengers and freight brought to the road by other railroads; seventeenth, the amount received for the transportation of passengers, of property, of the freight and from other sources; eighteenth, the number of engine houses, engines and cars of their several sorts; nineteenth, the number of miles run by passenger, freight, and other trains respectively, and the average rate and speed of each; twentieth, the whole number of stockholders and the number who reside in this State; twenty-first, the amount of each dividend and when made; twenty-second, the amount charged for depreciation of road and other property; twenty-third, the number of persons injured in life or limb, the cause of injury, and whether passengers, or persons employed by the road, or the cause of injury; twenty-fourth, whether any such accident arose from carelessness or negligence of any person in the employ of the road.
Capital stock and cost of road.	
Amount of indebtedness.	
Number of passenger, freight and mixed trains.	
Average number of passengers.	
—tons freight.	
Passengers and fare.	
Freight.	
Receipts from passengers along the line. —from passengers brought to road.	
Amount of receipts.	
Depots, &c.	
Miles run by trains.	
Rate of speed.	
Number of stockholders.	
Dividends.	
Depreciation.	
Persons injured.	
Cause of injury.	

On, and whether such person is retained in its service ; twenty-fifth, the number of employees of every sort, and the average pay of each of the following grades ; conductors, baggage masters, station agents, switch-men, engine drivers, firemen, brakemen, foremen of track sections. If any railroad company neglect to make such report, it forfeits one thousand dollars ; and it shall be the duty of the attorney general to prosecute for the recovery of the same upon complaint thereof made to him, and the same shall be published in the annual report of the railroad commissioners."

Employees and pay of.

Penalty for neglect to make return.

SECT. 2. When in the opinion of the railroad commissioners the passage of passenger trains over any portion of any railroad by passenger trains would be attended with imminent danger, they may notify the president or superintendent of such road of such unsafe condition of said portion of said road and order the immediate stopping of all passenger trains about to run over the same. In case said order is not obeyed said commissioners shall at once apply to some judge of the supreme judicial court, who may, upon satisfactory proof of the necessity for such order, and without notice to said company, issue an injunction prohibiting the running of passenger trains over said road until further order of the court. *Approved March 3, 1874.*

Passenger trains prohibited from running over railroads when unsafe.

LAWS OF 1874, CHAP. 258.

An act relating to taxation of railroad companies.

Be it enacted, &c. SECT. 1. Every railroad company, incorporated under the laws of this State, or doing business therein, shall annually, between the first and fifteenth days of April, return to the secretary of State under the oath of its treasurer, the amount of the capital stock of the corporation, the number and par value of the shares, and a complete list of its shareholders, with their places of residence and the number of shares belonging to each on said first day of April. The returns shall also contain a statement of the whole length of its line, the length of so much of its line as is within the State, and the assessed value in each town of its depots and other property taxed by municipalities.

Return of railroad companies. Additional, 1875, chaps. 16, 19.

—to contain length of line and assessed value of depots, &c.

Valuation of corporate franchise, how determined.

—property subject to local taxation to be deducted.

—when railroads extend beyond limits of the State, how determined.

Tax, rate of.

—how assessed.

—to be certified to State treasurer.

—notice of, to companies.

—in lieu of all other taxes.

—when to be paid.

Neglect to make returns, penalty for.

—in case of, assessment how made.

Assessment, no appeal from.

SECT. 2. The governor and council shall ascertain the market value of the shares of each railroad corporation in this State, and shall estimate therefrom the fair cash valuation of said shares, constituting the capital stock of such corporation on the first day of April next preceding, which shall be as the true value of its corporate franchise for the purpose of this act. From this valuation shall be deducted the value of the real estate and other property of the corporation which is actually subjected to local taxation, as ascertained from the returns or otherwise; and in the case of railroad corporations the lines of which extend beyond the limits of this State shall also be deducted such portion of the whole valuation of their capital stock ascertained as aforesaid, as is proportioned to the length of that part of their lines lying without this State.

SECT. 3. Every railroad corporation embraced in this act, shall annually pay a tax of one and one-half per cent. upon its corporate franchise, as determined in the preceding section. Such tax shall be assessed by the governor and council on or before the first day of May of each year, and upon such assessment being made, the secretary of the State shall certify the same to the State treasurer, who shall upon notify the several companies thereof, and the tax so assessed shall be in lieu of all taxes on shares in the railroad corporation as heretofore required by law, and shall be assessed by municipal authorities on any shares held for municipal or other purposes. Said tax to be paid, on or before the first day of July then next, and one-half on or before the first day of January then next. Any corporation neglecting to make returns according to provisions of this act, shall forfeit fifty dollars per day for every day's neglect so to do, to be recovered by an action of debt, brought in the name of the State; and in case of such neglect, the governor and council shall proceed to make the assessment of the same as prescribed herein, on such valuation as they may think just, and from such evidence as they may be able to obtain; and from such assessment there shall exist no right of appeal on the part of the company failing to make the returns as aforesaid. If any corporation fails to pay the tax required by this act

State treasurer may forthwith commence an action of contract, in the name of the State, for the recovery of the same with interest.

SECT. 4. When such tax is paid, it shall be the duty of the State treasurer to credit to each town in which shareholders resided on the first day of April preceding, such proportion of said tax as the number of shares owned in said town bears to the whole number thereof, the remainder to be retained for the use of the State.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall have effect when approved. *Approved March 4, 1874.*

LAWS OF 1874, CHAP. 259.

Act additional to chapter twenty-four of the revised statutes respecting liability of railroads for paupers.

Be it enacted, &c. SECT. 1. Any railroad corporation or steamboat company which brings into this State any pauper, knowing him to be such, shall cause the removal of any such person which they are hereby authorized to do, *provided*, that persons shall be delivered on board a boat of said company, or at a depot of said corporation, by the overseers or municipal officers, requesting such removal; and in default thereof, such corporation or company shall be liable in an action of the case for the expense of the support of such person after such refusal. *Approved March 4, 1874.*

LAWS OF 1875, CHAP. 15.

Act conferring additional powers upon the supreme judicial court, relating to railroads.

Be it enacted, &c. SECT. 1. That in all cases where any foreign railroad company or railway company is or has been doing business in this State, as the lessee of any railroad, neglects and refuses, or has neglected and refused, for the period of sixty days after demand, to pay and discharge any judgment recovered by any person against the company owning such leased road for any damages to the property of such person by the doings, misdoings or neglects of such foreign com-

Non-payment of tax, proceedings in case of.

Tax, certain portion of, to be credited to towns.

—remainder to be retained by the State.

Inconsistent acts repealed.

Paupers brought into this State by railroad or steamboat to be removed.

proviso.

Amendment 1875, chap. 41.

When foreign railroad company, as lessee, neglect to pay judgment, S. J. Court may compel payment.

pany, its agents or servants, and which judgment belong to equity to such foreign company to pay and discharge in the supreme judicial court on petition, is hereby authorized and empowered to compel payment thereof by such foreign corporation, and to make, pass and enforce all necessary orders, decrees and processes for the purpose.

Action may be maintained against foreign company in certain cases.

SECT. 2. Be it further enacted, that in all cases in which any such judgment has been or hereafter may be recovered and such foreign company has neglected or hereafter neglect, for the space of sixty days, to satisfy and pay such judgment to such person, the judgment creditor may and maintain an action upon the case against such foreign company for recovery of the amount of such judgment with interest and cost. *Approved February 17, 1875.*

LAWS OF 1871, CHAP. 16.

An act to enforce the collection of taxes upon railroad companies.

Additional remedy to enforce collection of taxes.

Be it enacted, &c. SECT. 1. In addition to the remedies already provided for the collection of any tax assessed upon any railroad corporation, or the stock thereof, agreeably to chapter two hundred and fifty-eight of the public laws of eighteen hundred and seventy-four, in case said tax is not paid agreeably to the provisions thereof, the treasurer of the State may issue his warrant for the collection of said tax, directed to the sheriff of any county in the State. Said warrant shall be in substance as follows:

A. B., treasurer of the State of Maine, to the sheriff of _____ county of _____, Greeting,

Form of warrant.

Whereas, the governor and council of the State of Maine on the _____ day of _____, assessed a tax of _____ dollars and _____ cents upon the _____ railroad company, and the secretary of State duly certified the same to the State treasurer; and whereas, by force of the statute in such cases made and provided, one-half of said tax was payable on or before the first day of July then next ensuing, and one-half on or before the first day of January then next ensuing; and whereas, the said railroad company has failed to pay the several instalments of said tax within the time required by law;

There now remains due upon said instalment the sum of — dollars and — cents: You are hereby required, in the name of the State of Maine, forthwith to distrain the lands, chattels and franchise of said railroad company, to the amount of said unpaid tax and costs of distraint; and the distress so taken to keep for the space of four days at the cost and charge of said railroad company; and if said railroad company does not pay the said unpaid tax and costs of distraint and keeping within the said four days, then you are to sell at public vendue such distress for the payment thereof, with charges of sale; first giving forty-eight hours' notice of such sale by posting up advertisements thereof in the city, town or location where said distraint is made; and the amount of said unpaid tax you are forthwith to pay to the treasurer of the State of Maine; and the overplus arising by such sale, if any, besides the said unpaid tax, costs of distraint and keeping, and costs of sale, you are, within ten days from such sale, to deliver to the treasurer of said railroad company.

If you fail not, and make due return of this warrant, with the doings thereon, to the treasurer of the State of Maine, within ninety days from the date hereof.

Given under my hand this — day of —.

A. B., treasurer of the State of Maine.

SECT. 2. The sheriff to whom said warrant is directed shall faithfully obey its directions. For the purposes of distraint and sale on said warrant, the franchise, engine, cars, rolling stock and other property used in operating said railroad, shall be deemed goods and chattels. The sheriff to whom said warrant is directed may serve the same in any county in the State. The goods and chattels seized by virtue of said warrant shall be held irrepleviable. No action shall be maintained against said officer for his doings by virtue of said warrant, provided he faithfully obeys its directions, and acts in conformity to law in seizing and selling property by virtue thereof. And any interest the sheriff who serves the warrant has at any time have in the property distrained shall not disqualify him from serving said warrant.

What property may be taken.

Who may serve warrant.

Property how sold.

SECT. 3. If the railroad company deems said tax illegal, the remedy shall be an action for money had and received,

Proceedings in case the company deem the tax illegal.

against the State treasurer, which action is hereby authorized for the purpose of testing the legality of said tax to back so much of said tax as may be decided to be illegal interest and costs of suit; and the writ may be by original writ, and be served by delivering to the State treasurer an attested copy thereof. And said action may be brought in the supreme judicial court, in any county in which said company has an established place of business. If the tax has been voluntarily paid, the same remedy and proceedings may be used to test the validity of said tax as in cases of distress. The State treasurer shall notify the attorney general of the pendency of any such suit, and it shall be his duty to defend it. In either case the judgment thus recovered, if any, against the State treasurer, shall be forthwith certified by the clerk of the court where said judgment is recovered, to the governor, whereupon the governor shall draw his warrant upon the State treasurer for the amount of the judgment so recovered with interest from the date of the warrant.

Warrant may be used to enforce collection of taxes heretofore assessed.

SECT. 4. The warrant herein provided for may be used to enforce the collection of taxes heretofore, assessed as taxes that shall hereafter be assessed.

SECT. 5. This act shall take effect when approved *proved February 13, 1875.*

LAWS OF 1875, CHAP. 17.

An act relating to fencing railroads.

Fences.
See laws of 1842, chap. 9, sect. 6; 1853, chap. 41, sects. 4 and 20; 1870, chap. 82, 1873, chap. 126; 1875, chap. 17.

Be it enacted, &c. SECT. 1. The owner of any improved land or wood lot belonging to a farm abutting any railroad which is finished and in operation, may at any time from the twentieth of April to the end of October each year, give written notice to the president, treasurer, or either of the directors of the corporation owning, controlling or operating such railroad, when such is the fact, that no fence against his said land has not been built, or if built, same is defective and needs repair. And if, after receiving notice, said corporation shall neglect to build such fence or repair it, as the case may be, for a period of thirty days, he shall forfeit to such owner the sum of one hundred dollars, the same to be recovered in an action on the case.

. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on and after its approval by the governor. *Approved February 18, 1875.*

LAWS OF 1875, CHAP. 19.

Additional to chapter two hundred and fifty-eight of the public laws of eighteen hundred and seventy-four, relating to taxation of railroad companies.

As enacted, &c. SECT. 1. The governor and council are hereby authorized to abate any tax, or any part of a tax, levied under chapter two hundred and fifty-eight of the public laws of eighteen hundred and seventy-four, upon any railroad company incorporated under the laws of this State, doing business therein, when it shall appear to their satisfaction, by any decision of the supreme judicial court of this State or of the supreme court of the United States, to be justly made, that the tax so assessed, or any part thereof, is illegally imposed.

Taxation of
railroads, gov-
ernor and coun-
cil may abate.

. 2. If any tax illegally imposed as aforesaid, shall have been paid, the same shall be repaid with interest, and the governor, with the advice of the council, may draw a warrant for the amount of the same, in favor of the corporation assessed thereon, payable out of any money in the treasury not otherwise appropriated.

Illegal tax paid,
to be refunded
with interest.

. 3. If any tax assessed as aforesaid, upon a valuation determined by the first two sections of the act to which this act is applicable, shall, in the opinion of the governor and council, be excessive through any circumstantial error or mistake, or excessive valuation, the excess may be abated by the governor and council within one year from the assessment thereof: and the amount so abated shall be deducted from any unpaid tax due from the corporation assessed: and if there shall be any unpaid tax, the governor, with the advice of the council, may draw his warrant for the amount of the abatement, to be paid from any money in the treasury not otherwise appropriated: and when any like error or mistake, or omission shall be found whereby the tax assessed under said sections is less than the just sum, the governor and council may, within one

Excessive valua-
tions may be
abated.

year aforesaid, and after notice to the corporation and a hearing, or in default of an appearance by said corporation at the time and place appointed for a hearing, by supplementary assessment correct said error or mistake, and supply said omission; and the tax thus assessed shall be payable at such time as the governor and council may direct; and the remedies provided by law to enforce the payment of the said tax shall apply to the collection of the supplementary tax.

Approved February 19, 1875.

LAWS OF 1875, CHAP. 41.

An act in relation to paupers.

Chap. 259 of
laws of 1874,
amended.

Be it enacted, &c. SECT. 1. Chapter two hundred fifty-nine of the public laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows:

“Any common carrier that brings into this State an alien or person not having a settlement in the State, shall cause the removal beyond the lines of the State, of any such person who falls into distress within a year, which removal said common carriers are hereby authorized to make: *provided* that such person shall be delivered on board a boat or at a depot by such common carrier, by the overseers or municipal authorities requesting such removal; and in default thereof, such common carrier shall be liable in an action of assumpsit for the expense of the support of such person after such default.”

Sections 39, 40
and 41 of chap.
24 of revised
statutes
repealed.

SECT. 2. Sections thirty-nine, forty and forty-one, of chapter twenty-four of the revised statutes, are hereby repealed.

proved February 24, 1875.

LAWS OF 1875, CHAP. 35.

An act relating to directors of railroads.

When city or
town is entitled
to a director in
a railroad.

Be it enacted, &c. SECT. 1. Whenever any city or town in this State shall in its corporate capacity, hold one-fifth or more, of the shares in the capital stock of any railroad corporation created by the legislature of this State, any citizen of such city or town, being a freeholder and resident therein, shall be eligible as a director of such railroad company.

SECT. 2. This act shall take effect when approved.

proved February 23, 1875.

DECISIONS OF THE SUPREME JUDICIAL COURT.

The act incorporating the Bangor and Piscataquis Railroad Company authorized them "to procure, purchase and hold in fee simple, improve use for all purposes of business, &c., lands, or other real estate, to manage and dispose thereof, as they may see fit;" and provided, that the capital stock of said company may consist of \$300,000, and shall be divided into shares of \$100 each, to be holden and considered as personal estate." Real estate owned and used by the company as a railroad or as a depot is not subject to taxation, except as personal estate, unless the legislature shall specifically prescribe differently.

B. & P. R. R. Co. v. Harris, 21 Me., 533.

A railroad company is not bound to maintain fences on the lines of its roads, except where the same passes through enclosed or improved land.

Perkins v. E. R. R. Co., 29 Me., 307.

If an injury to another's cattle happen (through want of such fences), on common and unenclosed land, it is not legally imputable to the negligence of the company.

Ib.

If cattle are wrongfully upon the adjoining close, and escape therefrom upon the railroad and are injured, the railroad company are not liable.

Ib.

Cattle are not presumed as lawfully going at large. There must be proof that the town gave permission.

Ib.

Under a charter authorizing the construction of a railroad "to the use of shipping lumber" on a tide-water river, the right of location is limited to the upland or to the shore; but it may be extended across flats and over-tide water, to a point at which lumber may be conveniently shipped.

Peavey v. C. R. R. Co., 30 Me., 498.

After the time has expired within which a railroad company, by their charter, were to complete their road, they have no authority to take additional lands for the extension of their road, except by consent of the owner.

Ib.

The charter of the K. & P. Railroad Company provides a remedy for a land owner to recover damage for the location and construction of the track across his land, and the remedy thus provided is in exclusion of the common law remedy.

Mason v. K. & P. R. R. Co., 31 Me., 215.

The injury done to the owner, by the erection of an embankment upon a site of the road, whereby the communication is destroyed between parts of his land which lie upon opposite sides of the track, is to be included in the damages.

Ib.

An action to recover damage for destroying such communication by taking the strip of the land for the site of the road or by the of such embankment, proceeds not upon the ground that the land road was illegally taken, but that the power granted by the charter has been transcended or abused. It therefore presents no basis for an action as to the constitutionality of that power.

County commissioners' appraisalment of the damage done to a landowner by the location of a railroad across his land, may be reviewed by the jury, as well upon the application of the railroad corporation as that of the land owner. *Kimball v. K. & P. R. R. Co.*, 35 Me.

The compensation provided by statute for damages occasioned by the location and construction of railroads, extends only to real estate and materials taken. *Rogers v. K. & P. R. R. Co.*, 35 Me.

For damages indirectly resulting from the lawful acts of a railroad corporation, the law affords no remedy.

Ib.; *Whittier v. K. & P. R. R. Co.*, 38 Me.

It is competent for the legislature to authorize permanent structures across tide waters or any other navigable waters, although the navigation may thereby be impaired. *Rogers v. K. & P. R. R. Co.*, 35 Me.

The charter of the K. & P. R. R. Co., with its additional enactments, authorizes the erection of bridges and causeways across navigable waters but requires them not to be built in such a manner as to prevent the navigation of such water, or to occasion unreasonable detention thereof.

For the damage occasioned by so erecting the structures as to obstruct such navigation, or to occasion such detention, the remedy is by application to the county commissioner, but by an action at law.

By act of 1842, c. 9, railroad companies are made liable for injuries by fire communicated by their locomotives to buildings or other property and may effect insurance thereon in their own behalf.

Chapman v. A. & St. L. R. R. Co., 37 Me.

This statute liability is limited to property of a permanent nature on which insurance may be effected.

Ib.; *Pratt v. A. & St. L. R. R. Co.*, 42 Me.

For injuries to other property by fire, they will only be responsible in consequence of negligence, unskillfulness or imprudence in running or conducting their locomotives.

If land of the plaintiff, over which there is an established highway is taken by a railroad company under their charter, no action at law is maintainable. *Whittier v. K. & P. R. R. Co.*, 38 Me.

Where a railroad company constructs its track across a highway in accordance with the directions and orders of the county commissioners, no action can be sustained against such company for damages suffered by the owner in consequence of their excavations by the owner of the adjoining land. Nor will they be liable for any damages to such owner by the necessary acts of the officers of the town in grading down the highway in consequence of the construction of their railroad across it.

provisions of R. S. of 1841, c. 76, attach to all railroad corporations unless specially exempted therefrom by their charter.

Came v. Brigham, 39 Me., 35.

act of 1853, c. 41, railroad corporations required by their charter to and maintain legal and sufficient fences on the exterior lines of their are made liable to a forfeiture of one hundred dollars per month neglecting that duty.

Norris v. A. R. R. Co., 39 Me., 273.

act being remedial and for the protection of property peculiarly d by the introduction of locomotive engines, applies to corpora- existing before its passage.

Ib.

glect by the corporation to erect or maintain such a fence, renders liable to reimburse any person suffering injury in his property y in an action at common law.

Ib.

where the plaintiff's horse, by reason of a defective fence upon e of a railroad, well known to the company, escaped from his pas- sion the track and was injured by the engine, the company are re- sible for the damages, notwithstanding the engineer was in the exer- due care, and the fence was originally imperfectly built by the ff for the company.

Ib.

mission on the part of the owner of the land over which a railroad on located to call on the county commissioners to assess his com- on will not preclude him from maintaining trespass *quare clausum* ; the company after they have taken his land without making com- on.

Hall v. Pickering, 40 Me., 548.

will an omission by the corporation to make the compensation in y provided by statute, after having taken possession of an individ- and, work a forfeiture of their rights under their charter, to enter ne land and have an exclusive occupation temporarily, as an incipi- ceeding to the acquisition of title to or an easement in it.

Ib.

e the law under this constitutional provision allows a reasonable e the railroad company to make the compensation after such an ve occupation, still when the company takes this exclusive occu- under a claim of right in fee, as by a deed from the owner, when no such right exists, no reasonable time is allowed for making the nsation; and an action of trespass lies against them by the owner the damage suffered by it.

Ib.

ilroad corporation was authorized by its charter to purchase, or ad hold, so much land of private persons or other corporations as be necessary for its corporate use, and also, to take, remove and e certain specified purposes, any earth, gravel, stone, timber, or materials on or from the land so taken:—*Held*, that this did not ize the servants of the corporation to go upon lands not taken he charter and take materials therefrom, against the will and with- e consent of the owners of the land.

Parsons v. Howe, 41 Me., 218.

liability of a railroad company under the act of 1842, c. 9, § 5, is nfin ed either to real or personal estate, but it exists in reference to

Pratt v. A. & St. L. R. R. Co., 42 Me., 579.

It is liable for damages to growing timber "along its route." 1A

The language "along the route" applies to property near and adjacent to the railroad, so as to be exposed to the danger of fire from the engine. 1A

The growing trees of A. stood about three hundred feet from the line of the railroad. Fire from the locomotive engine communicated to materials growing and naturally lying between the premises of A. and the railroad and extended to and damaged A.'s growing timber:—*Held*, that the company was liable for damage. 1A

The time of taking real estate under R. S. of 1841, c. 81, § 4, must be the time of entering into the occupation of the land; and there may be cases where a reasonable time after a temporary occupation will not expire before three years. *Nichols v. S. & K. R. R. Co.*, 43 Me., 35A

No action can be maintained against a railroad corporation for injuries by acts done in conformity to law, unless the corporation have in some way forfeited their chartered rights, or the chartered remedy has been rightfully modified by some statute so as to authorize such suit. *Gowen v. Penobscot R. R. Co.*, 44 Me., 14A

By § 11 of their charter, the Atlantic and St. Lawrence Railroad Company are obliged to erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad when the same passes through inclosed and improved lands; and in default of which they are liable for injuries occasioned thereby.

Whitney v. A. & St. L. R. R. Co., 44 Me., 302

By the lease and assignment of the Atlantic and St. Lawrence Railroad that company have not relieved themselves from any liability for loss or injuries to which they were subjected by their charter and the laws of the State. 1A

If the charter of a railroad company does not fix the number of shares of the capital stock, it is to be presumed that the legislature intended that the stockholders or the directors should fix the number. And it is indispensable that the number be so determined before any assessment can be made thereon. *Som. & Ken. R. R. Co. v. Cushing*, 45 Me., 53A; *Som. & Ken. R. R. Co. v. Weston*, 45 Me., 53A

If the number of shares so fixed exceeds the number actually subscribed for and taken, the stockholders or directors may change the number, but the assessment must be upon the whole number. If the shares are not all taken, an assessment upon the number that have been taken is illegal and void. *Som. & Ken. R. R. Co. v. Cushing*, 45 Me., 531

A subscriber who has paid the first assessment is not thereby estopped from setting up this defence to a suit for the second. *Som. & Ken. R. R. Co. v. Weston*, 45 Me., 53A

The statute of 1853, c. 41, § 3, (R. S., c. 51, § 15), relating to the construction of railroads across highways and streets is remedial in its provisions, applies to railroads previously, as well as those subsequently chartered, unless they had at the time of the passage of the act, completed or actually entered upon the construction of their road. *Veazey v. Mayo*, 45 Me., 50A

That act was designed to afford greater security to the public having occasion to use highways and streets across which railroads were to be made, and it was but the exercise of that police power which is always necessarily retained by the people in their sovereign capacity for the public safety, and of which they cannot be divested by prior legislative enactments, nor by chartered immunities. *Ib.*

Before the construction of a railroad across any street of a city, the written assent of the mayor and aldermen must be obtained, stating the manner and conditions upon which such crossing may be made, and this must be recorded in the county commissioners' office. But the provision requiring it to be recorded is merely directory, and not a condition precedent. *Ib.*

The city council of Bangor is a body entirely distinct and different from the mayor and aldermen, and the assent of the former to the construction of a railroad across a street in that city was nugatory, and conferred no authority for that purpose. *Ib.*

In a proceeding under the statute of 1854, c. 93, relating to connecting railroads, the actual possession of the railroad by the petitioners under claim of title with no evidence of adverse claim is sufficient evidence of their title, and of the organization of the company to entitle them to the relief which the statute was designed to afford.

P. & O. C. R. R. Co. v. G. T. Ry. Co., 46 Me., 69.

Such a proceeding is not analogous to a suit at common law, and where a railroad company had leased its road to another company, the lessors and lessees may be joined as respondents; and if the petitioners are entitled to relief against either, commissioners may be appointed, and the court will afterwards determine against which the award should be finally made or whether against both. *Ib.*

The sale of the Buckfield Branch Railroad to the Cumberland and Oxford Central Railroad Company, authorized by a special statute of 1857, invested the latter company with all the rights and immunities of the former, including the right of connection with the Atlantic and St. Lawrence Railroad. And the right to connect is not lost to the company purchasing, in consequence of its being empowered by its charter to make a road across the Atlantic and St. Lawrence Railroad. But when the road shall be actually made across and operated, the right of connection will no longer exist. *Ib.*

A statute authorizing the court, by commissioners appointed therefor, to determine judicially what are the mutual rights and obligations of any two railroad companies authorized by their charters to connect their roads, is clearly within the just limits of legislative power. And as the statute of 1854 was not intended to go beyond this, it is remedial only, and binding upon existing corporations. *Ib.*

The defendant corporation will not be released from the liability imposed by this statute by reason of having leased their road to the Grand Trunk Railway Company who were in possession, controlling and managing the leased road at the time of the injury, and notwithstanding the

fire was communicated by a locomotive engine which the lessees had themselves furnished. *Stearns v. A. & St. L. R. R. Co.*, 46 Me., 95.

Where a railroad company commenced the running of cars upon their road before they have erected their legal fences, and the plaintiff's horse, rightfully on land adjoining, had strayed therefrom upon the track and was killed by the company's engine, the company will not be exonerated from liability for damages by proof that at the time certain persons were operating the road under an agreement with the company that they should receive and retain the earnings when it was further stipulated in the agreement that the trains shall run under the direction of the company, and be under their control.

Wyman v. Penobscot & Ken. R. R. Co., 46 Me., 162.

A railroad corporation may lay side-tracks for its convenience over any land it may own in fee or land of individuals giving legal consent thereto, if no public interest or private right is affected.

Bangor O. & M. R. R. Co., v. Smith, 47 Me., 34.

An act general in its terms, and applicable to all railroads, is within the meaning of c. 503 of the public laws of 1831, empowering the legislature to modify the charters of corporations, and effects the charter of any railroad company which contains no express limitation to the contrary. *It*

Chapter 41 of the public laws of 1853, prescribing generally how railroad corporations shall proceed in the location of tracks, is applicable to a company incorporated in 1833, although its provisions in that respect are dissimilar to those in the act of incorporation. *It*

By locating their track across a highway, a railroad company acquires the right to lay their rails and road-bed across said highway in the direction or line of their road, and it may be to lay a second track in the same direction and parallel with the first, if the whole line is of that character, and the business of the road requires it; but not to lay a track in a different direction on an angle or curve, though within the limits of their described location. *It*

Under § 3, c. 41, of the public laws of 1853, providing that railroads shall not be carried along any existing highway, but must cross it in the line of the railway, a corporation cannot extend a curve in a branch track partly over or along a highway, but without crossing it. *It*

The legislature, in granting the charter of the Penobscot and Kennebec Railroad Company, adjudged that the railroad was required by public necessity and convenience, and this decision is conclusive.

State v. Noyes, 47 Me., 182.

This charter conferred upon the directors the right to exercise certain powers without interference by the legislature, unless the company should in some way abuse the privileges granted; and whether there has been an abuse of the privileges is a question to be decided by the court, and not by the legislature. *It*

The charter is a private contract between the government acting in its sovereign capacity, and the corporation, binding on both, and cannot be changed or impaired by the legislature. *It*

It is to be construed exclusively by the courts, upon the same principles which are applied to contracts between private individuals. *Ib.*

The privileges thus granted may be taken for public use in the same manner as the property of individuals; but the intention of the legislature to do so must clearly appear, and provision must be made for compensation to the owners of the property taken. *Ib.*

If the legislature charter a railroad between certain *termini*, and it is constructed and put in operation, another railroad may be chartered between the same *termini*, unless in the former charter there is a limitation of the power of the legislature to do so. *Ib.*

The charter of the Penobscot and Kennebec Railroad Company vests in the directors the power to prescribe the times and places at which it will receive persons and property for transportation. *Ib.*

The act of March 26, 1858, is an interference with this right, and some power of legislature other than that reserved in the charter must be found to justify it, duties and obligations additional to those required by the charter being thereby imposed upon the company. *Ib.*

The Penobscot and Kennebec and Somerset and Kennebec Railroads being crossing and not connecting roads, their relative position imposes upon them no duties in respect to receiving persons and property for transportation that do not fall upon railroads situated in the vicinity of each other without crossing. *Ib.*

Private corporations without any express reservations of the powers over them in their charter by the legislature, are subject, like individuals, to be restrained, limited and controlled in the exercise of powers granted by such laws as the legislature may pass, based upon the principle of safety to the public. *Ib.*

Police regulations established by the legislature for the convenience of the public or travellers on railroads cannot be upheld against individuals or private corporations, *Ib.*

The provisions of §§ 5 & 6, of the act of March 26, 1858, being in violation of the rights secured to the Penobscot & Kennebec Railroad Company in their charter are not binding on that corporation. *Ib.*

R. S. of 1841, c. 81, § 5, provides that in locating railroads "no corporation shall take any meeting house, dwelling house, or public or private burying ground without the consent of the owners thereof." *Held*, that the term dwelling house as here used means only the house, and includes no part of the garden, orchard or curtilage.

Wells v. Som. & Ken. R. R. Co., 47 Me., 345.

A railroad corporation, so soon as their track has been located, may take immediate possession. *Davis v. Russell*, 47 Me., 443.

The charter of a railroad company authorized it to sell the shares of delinquent subscribers, and made the subscriber liable for the difference between the proceeds of the sale and the amount due from him. The charter and by-laws required that the subscriber should be notified of the assessments thirty days before the order of the directors to sell the shares that the sale should be by public auction, at the post-office named,

and that the treasurer should give the subscriber a notice in hand, signed by the treasurer, or by a director in his behalf. *Held*, (1) That a notice of the assessment thirty days before the sale is not sufficient; (2) That a sale otherwise than by public auction, or at any other place than the post-office named, is invalid; and (3) That a notice of the sale given to the subscriber in hand, not signed by the treasurer or director, is insufficient.

Lewy's I. R. R. Co. v. Bolton, 48 Me., 451.

When the charter of a railroad company authorizes the sale of the stock of a shareholder to pay unpaid assessments thereon, such sale is not valid, if it is not for a legal assessment, or if it includes any illegal assessment.

Id.

If such charter provides that no assessment shall be laid upon any share to a greater amount than \$100 in the whole, any assessment beyond that sum is void.

Id.

If the charter fixes a sum as the minimum for the capital stock no legal assessment can be made until that amount of stock is subscribed in good faith by men apparently able to pay, and for shares to bear their equal part with others.

Id.

A subscription for preferred stock which is to draw ten per cent interest at once cannot be reckoned to make up the amount of capital stock required by the charter.

Id.

The Penobscot Railroad Company under their charter and the general laws of the State, had a right to construct their railroad over or under a highway, and for that purpose to raise or lower the highway.

Veazie v. Penobscot R. R. Co., 49 Me., 112.

But they were bound to exercise this right in such a manner as not to obstruct the highway unnecessarily, and to use reasonable care to protect those passing thereon from injury.

Id.

The company are liable for any injury happening to any one passing on the highway on account of their neglect to use such care.

Id.

Nor are the company exempt from this liability, although the change in the grade of the highway is made by contractors grading the railroad under an agreement to do the work, according to the plans and directions of the chief engineer of the company, who is employed and paid by the company.

Id.

But a railroad company cannot, by any stipulations with contractors relieve themselves from their obligation to protect the public from danger when they interfere with, or obstruct a public highway.

Id.

When a person passing upon a highway receives an injury wholly by reason of an illegal defect in the same, caused by the alteration thereof by a railroad company, the town in which it is situated is liable for such injury.

Id.

The railroad company is liable to indemnify the town for all the damages it has been compelled to pay, and for the costs and expenses reasonably and fairly incurred in a suit against them by the person injured.

Welcome v. Leeds, 51 Me., 313.

When the railroad company has been notified of the pendency of such suit and requested by the town to assume the defence of it, they are bound by the judgment, and it is conclusive against them as to the cause of the injury and the extent of the damage, whether they appear in the case or not.

Veazie v. Penobscot R. R. Co., 49 Me., 119.

The railroad company cannot avoid the effect of such judgment on the ground that they did not receive the notice until the day before the trial, it appearing that one of the directors was present at the trial, and took notes, and that they made no request for a continuance or postponement of the trial.

Ib.

Chapter 41 of the public laws of 1853, regulating the mode in which a railroad shall cross streets and ways cannot be construed as requiring railroads already constructed, or whose location has been completed and duly filed, and the construction commenced under a binding contract to locate anew in order to comply with its provisions.

Veazie v. Mayo, 49 Me., 156; *Wellcome v. Leeds*, 51 Me., 313.

In such a case the provision making a railroad which has not conformed to the statute in crossing a street or way a nuisance, and holding the directors of the company personally liable, does not apply.

Veazie v. Mayo, 49 Me., 156.

The president and five directors of a railroad company agreed by a memorandum in writing each to advance certain specified sums to enable the company to pay coupons becoming due on its bonds, and that the president should advance the further sum of \$2,000 with the assurance from the other five that at the next meeting of the directors they will make provision to be made to indemnify him for the proportional excess advanced by him. At the next meeting the president was authorized to borrow or pledge mortgage bonds of the company, to raise money to meet present claims, and also to mortgage movable property of the company to secure its creditors. The bonds were sold, and the proceeds applied to pay other and subsequent debts of the company. In an action by the president brought against the directors on the written memorandum to recover for the excess advanced by him, held, that the votes of the directors, authorizing the sale of the bonds and mortgage of movables put it within the power of the president to pay or secure himself and were a sufficient fulfilment of the agreement of the directors, and the action could not be maintained.

Miller v. Morrill, 51 Me., 9.

The statute of 1853, c. 41, § 3, relating to the construction of railroads across highways, is not retroactive.

Wellcome v. Leeds, 51 Me., 313.

The provision in the charter of the Androscoggin Railroad Company, that the railroad shall be so constructed as not to obstruct the safe and convenient use of the highway, is a continuing obligation, requiring the company to keep the railroad so constructed at all times.

Ib.

But a town is not thereby absolved from its obligations to see that the highways therein are not rendered unsafe by the crossing of a railroad.

Ib.

If the highway at a railroad crossing is defective, and the town has notice of it, it is no defence that the particular defect was one which the railroad company ought to have repaired. *It*

The charter of railroad companies or the general statutes provide a remedy for the owners of lands over which the road is located, for damages where they are not remote and consequential, but where a company does only what it is authorized to do, and is without fault or negligence, it is not liable for consequential damages.

Boothby v. And. & Ken. R. R. Co., 51 Me., 311.

If railroads make a connection under a contract, its continuance in certain cases will be enforced in equity.

A. & K. R. R. Co. v. Androscoggin Railroad Co., 52 Me., 417.

But where such contract has been terminated by the parties, equity will not interfere. *It*

The seventh section of the charter of the Androscoggin Railroad Company gives that company the right to connect its railroad with that of the Androscoggin and Kennebec Railroad Company, and the latter to connect its road with that of the former, but each company has the election whether it will thus connect or not, and the provision in question is a privilege and not a contract. *It*

It seems that either company, having once elected to connect, might at its pleasure, disconnect. *It*

If not, the legislature may authorize it to do so, and the other company cannot complain. *It*

It seems that if one company has elected to connect, that it does not impose on the other company the obligation of continuing the gauge as existing at the time of the connection. *It*

But if so, the right does not become vested until the election to connect, and if before such election, the other company is relieved by an act of the legislature accepted by them, a subsequent election to connect is of no avail. *It*

Chapter 475 of the laws of 1860 authorized the Androscoggin Railroad Company to change the gauge of their road, and the Androscoggin and Kennebec Railroad Company, not having elected to connect their road with that of the former company, until after that act was passed and accepted, can now do it only in subordination to the rights conferred on the Androscoggin Railroad Company by it. *It*

A jury appointed to estimate damages for land taken by a railroad company, should not include in their verdict damages occasioned by the neglect of the company to remove the stones thrown upon the petitioner's land by blasting, while grading the land, but it should include damages caused by blasting.

Whitehouse v. Androscoggin R. R. Co., 52 Me., 383.

The maxim so use your own property as not to injure the rights of another is applicable alike to corporations and individuals.

Hill v. Portland & Rochester R. R. Co., 55 Me., 43.

oad corporation has the right to establish reasonable signals to for the starting of trains from its stations. *Ib.*

er or not the loud and sudden sounding of a steam whistle is a le signal for such purpose, and within the rule of ordinary care, upon all the circumstances of each particular case, and it is a for the jury. *Ib.*

trial of an action for personal injury to the plaintiff caused by own from his carriage, in consequence of his horse becoming d at the sound of a locomotive whistle, at a railroad crossing ation, it is competent for the plaintiff to show that the sound istle produced a similar effect upon other horses at the same place. *Ib.*

show the usual effect of that whistle at the same place on or orses. *Ib.*

t competent for the corporation to ask a witness acquainted practice of railroads generally, and who had charge of an- road for sixteen years, whether or not in his opinion the sig- uestion were reasonable or unreasonable, prudent or extraordi- whether or not similar signals were given by other railroad cor- s. *Ib.*

re paid by a passenger over a railroad, is the compensation for age, and for the transportation, at the same time, of such bag- e may require and have for his personal convenience and neces- ng his journey.

Wilson v. G. T. Railway of Canada, 56 Me., 60.

e subsequently forwarded by his direction, in the absence of any reement with, or negligence on the part of the carrier, is liable rticle of merchandise, to the payment of the usual freight. *Ib.*

igh ticket over three several distinct lines of passenger trans- , issued in the form of three tickets on one piece of paper, and d by the proprietors of each line, is to be regarded as a distinct each line. *Knight v. P. S. & P. R. R. Co., 56 Me., 234.*

hts of a passenger purchasing such a ticket, and the liabilities oprietors of the several lines recognizing its validity, are the the purchase had been made at the ticket office of the respec- *Ib.*

n carriers of passengers are not bound to insure the absolute their passengers, but they are required to exercise the strictest istent with the reasonable performance of their contract of ation. *Ib.*

er them liable for an injury to a passenger while under their is enough if it was caused solely by any negligence on their ver slight, if, by the exercise of the strictest care and precau- onably within their power, the injury would not have been sus- *Ib.*

Where the plaintiff's ticket entitled her to a passage over the defendants' road to Portland, and by steamboat from Portland to Belfast, and the defendants had built their track upon their wharf down to the steamboat, and had run their passenger train upon it for a time, and still continue to run their baggage train there, and they directed their passengers verbally, or by a printed sign, to use the wharf as a passage way to the boat, and they did so use it, and they made the wharf subsidiary and necessary to the proper use and enjoyment of their road, in an action by the plaintiff to recover for an injury upon the wharf,—*Held* :—

I. That the defendants are bound to exercise the same degree of care in making the wharf safe and convenient for their through passengers to travel over, as is required of common carriers of passengers, although they required them to disembark at their depot, forty rods distant from the steamboat; and,—

II. That this liability continued until, in the ordinary course of their passage over the wharf, they reached the point where the liability of the steamboat company commenced. *It.*

R. S., c. 51, § 9, does not authorize the assignee of a judgment of the county commissioners, recovered in favor of the owner of land against a railroad company for land damages, to maintain a bill for "an injunction against the use or occupation of" the land taken, and in which the complainant has no interest. *Isley v. P. & R. R. Co.*, 56 Me., 531.

A compliance with R. S. of 1857, c. 51, §§ 15 and 19, on the part of a railroad corporation does not absolve it from observing such other precautions as reasonable and ordinary care may require in crossing a thoroughfare leading to and from a city.

Webb v. P. & K. R. R. Co., 57 Me., 111.

Whether or not a railroad company is guilty of negligence in not employing a flagman at a certain crossing is a question of fact. *It.*

When one railroad company is by permission using the track and equipment of another, the former is held to observe such precautions for the safety of the public at a crossing as shall be fully equivalent to those required by reasonable care and prudence of the latter. *It.*

The establishment of a flag-station at a railroad crossing is legal evidence of the consent of the railroad corporation to whom the easement and right of passage with trains belong, that the way may be used as such. *It.*

The establishment of a flag-station at a railroad crossing cannot reasonably be construed as an assertion of a paramount right on the part of the corporation. *It.*

In the trial of an action for an injury alleged to have been received while passing along a public street and highway across the railroad track of the defendants, if the evidence of a legal location is wanting, it is proper to instruct the jury that there was no legal highway by reason of any proper location; but that if the jury should find that with the consent of the company owning the track, and having the right of passage there with trains, and of the owners of the fee in the land, there had

a thoroughfare in open and continuous use by the public and all had occasion to go between the termini mentioned, and that use preceded prior to the running of the defendants' trains there, and continued to the time of the accident without objection made by the company owning the track, or the owners of the fee, or the defendants, they may thence infer the existence of such a way and right of crossing the road at grade there, as would bind the defendants to the use of the same with precautions, prudence, care and diligence in running their engines and they would be bound to exercise, if a highway had been located across the track there at grade.

Ib.

Where the Maine Central Railroad Company let to the Eastern Express Company for four years, the exclusive use of a certain separate apartment car attached to each of their passenger trains for the purpose of transporting the express company's messenger and merchandise, and agreed that they would not, during the continuance of such contract, let space in any car on their passenger trains to any other express company and the railroad company, before the expiration of such contract after reasonable notice to them, refuse to receive upon any terms from the New England Express Company, when and where they received the Eastern Express Company's freight, such packages as are usually carried by express companies to be transported by their passenger trains; *Held*, the railroad company were liable under c. 193 of the public laws of Maine to the New England Express Company in an action of damages.

N. E. Exp. Co. v. M. C. R. R. Co., 57 Me., 188.

It seems that an action at common law would lie against the railroad company under the same circumstances.

Ib.

A railroad corporation whose track is located within the limits of a city may load and unload one of its cars while temporarily standing at that purpose in the street, provided it be done in such a prudent manner as not unreasonably to interfere with the rights of those having a right to use the way for the ordinary purposes of travel.

Mathews v. Kelsey, 58 Me., 56.

It is held for the purpose of unloading a car of flour, a merchant whose store is on the street may use skids temporarily elevated above the ground, and extending from the car door fifty feet to the store, provided there is ample room between the car and the opposite side of the street to commodate the travel of the street.

Ib.

A child of nine years, who in the daytime jumped from a sidewalk artificially constructed by a railroad company, on the side of its railway track, upon the properly constructed draw, while the same is being lawfully closed, is so wanting in ordinary care and prudence as not to be entitled to maintain an action for the injury resulting therefrom.

Brown v. E. & N. A. R. Co., 58 Me., 384.

A director of a railroad corporation enter into a contract for the construction of the road of his corporation, he cannot then, nor subsequently personally derive any benefit from such contract.

E. & N. A. R. Co. v. Poor, 59 Me., 277.

A railroad corporation engaged a contractor to construct, under the general supervision of the chief engineer of the company, a specific part of its railroad located across the plaintiff's timber tract, and the subcontractor and his employees cut a tote road through the plaintiff's premises, outside of the location, and set fires, which through their negligence, spread and burnt the plaintiff's timber. *Held*, that the company not having directed the acts complained of, and having no such control over the persons who committed them, as to direct or remove them, was not liable for the damages occasioned thereby.

Eaton v. E. & N. A. R. Co., 50 Me., 111.

If the company's engineer direct the sub-contractor to do an unauthorized act, such as grading outside of the limits of the true location, the company is liable therefor.

A railroad corporation is not liable under R. S. of 1857, c. 51, § 25, (R. S., § 22) for trespasses and injuries to lands and buildings adjoining in the vicinity of its road, committed by contractors, or the servants of contractors.

Where the charter authorized the taking of land not to exceed six rods in width, and by an act of the legislature the time for completion was extended two years, and all rights, privileges and grants theretofore pertaining to said company were thereby continued: *Held*, that the charter was thereby renewed in its entirety, and the company retained the right to take land six rods in width, although the general statute allowed but four.

Where the time for filing the location with the county commissioners was fixed by a statute to be on February 8th a depositing of it at the office with their clerk on February 6th, is seasonable although a term of the commissioners court did not occur until the following April.

So where by an act of the legislature approved Jan. 17, 1870, one year from and after the approval was given to alter and amend the location between certain termini and the amended location, was adopted on Jan. 15, 1870, and received and filed by their clerk in the county commissioners' office on Jan. 17, 1870, the filing was seasonable, although there was no session of the commissioners' court until the following April.

Where the railroad corporation had seasonably filed a petition in the nature of an appeal on the question of damages which was dismissed at the October term, 1870, and the plaintiffs applied to the county commissioners for the security required by R. S. of 1857, c. 51, § 51, (R. S., § 6), for the payment of damages awarded, and the corporation gave no security but in December following, paid the amount of damages awarded and costs. *Held*, that in the absence of evidence to the contrary this may well be presumed to be in satisfaction of the damages awarded by the commissioners for the land taken to which the assessment refers.

Veazie v. Penob. R. R. Co., 49 Maine, 119, examined and modified.

By the requirements of R. S., c. 51, § 20, legal and sufficient fences are to be made on each side of land taken for a railroad where it passes

an inclosed or improved land, or woodlots belonging to a farm, when the construction of the road is commenced, and they are to be kept in repair by the corporation.

Gilman v. E. & N. A. R. Co., 60 Me., 235.

An agreement between a railroad corporation and an adjoining proprietor not to require them to fence but one side of their road across his land until notified by him, will not relieve them from any liability they thereby incur to any person not cognizant of, or assenting to it.

Ib.

In an action against a railroad company for the value of the plaintiff's ox killed by their train, the defendants would have their exceptions sustained upon the ground that the ruling complained of is in conflict with the well established principle that a railroad company is not bound to fence against cattle wrongfully upon the adjoining close, it appears from the exceptions that there was testimony tending to show that the plaintiff's ox was wrongfully there.

Ib.

The plaintiff's lot, and those adjoining on the north and south, were bounded by the defendants' road, and bounded on the east by a river; there was a fence between so much of the plaintiff's and the south lot as lay between the railroad and river, (being the plaintiff's pasture), being defective. The railroad fence extended on both sides of the road across the plaintiff's lot, that on the river side of the road across the north lot set several feet further from the track, did not form a continuous line that crossed the plaintiff's, while, pursuant to an agreement between the defendants and the proprietor thereof, there was no railroad fence on the north lot on the river side of the road. The plaintiff's pasture was enclosed on the river bank above high water mark. An ox of the plaintiff's escaped from his owner's pasture through the gap of the defendants' fence, occasioned by want of continuity, upon the track, was driven by the defendants' employee upon the north lot, whence during the next six hours the ox wandered along the river bank, across his own land, outside of its enclosure, to and upon the south lot, and thence to the track, where he was killed by the defendants' locomotive, while managed with proper care on their part; *held*, that the gap in the defendants' fence on the plaintiff's land, through which the animal escaped from his pasture, was the efficient procuring cause of the accident and that the maxim *causa proxima*, etc., had no proper application in this case.

Ib.

Held, that the omission of the plaintiff to erect a sufficient fence between his pasture and the south lot, cannot be imputed to him as contributory negligence.

Ib.

The defendant, with numerous others, signed a subscription of the following tenor: "We, the undersigned, agree and bind ourselves to take a certain amount of shares set against our respective names, in the stock of the Great Moosehead Lake Railway Company, agreeably to the foregoing conditions:" *Held*, that the simple agreement to take imposed no legal obligation to pay for the shares.

B. & M. L. R. R. Co. v. Moore, 60 Me., 561.

Also *held*, that the conditions, which contained no words of promise did not change the force of such agreement in this particular. *It*

And the construction of such an agreement is not affected by a provision in the charter, purporting to render the subscriber liable for the balance remaining due after a sale of his shares. *It*

Neither does c. 206 of the special laws of 1869, affect the contract made before its enactment, even though viewed as an amendment of the charter. *It*

Where the only mode provided in the charter of a railroad by which towns interested therein may aid in its construction, is a subscription for its stock, an article in a warrant for a town meeting, to see if the town will loan its credit to aid in the construction of the railroad named, gives reasonable notice that a proposition to subscribe for stock will be acted upon, and will authorize such action.

B. & M. L. R. R. Co. v. Brooks, 60 Me., 568.

Where under such an article the town authorized its selectmen to subscribe, in behalf of the town for stock in the railroad named to the amount of sum specified without designating the kind of stock, and the selectmen subscribe for the non-preferred stock the town is bound by the selection made. *It*

Where the persons who subscribed for the stock, signed the subscription as selectmen, therein referring to the vote under which they acted and were the same persons who called the town meeting at which the vote was passed, it will be presumed in the absence of any evidence that any other persons had been elected, or had acted as selectmen, that they were the selectmen. *It*

The by-laws of a railroad company provided that no assessment should be made upon any shares until the full amount of the estimated cost of the road shall first have been subscribed by responsible parties. It appeared that the estimated cost was subscribed, and the directors acting in good faith, decided that the estimated costs had been subscribed by responsible parties, and thereupon proceeded to make the assessment. *It held*, that the assessments were valid, and that they could not be rendered invalid by showing, as matter of fact, that some of the subscribers were not responsible. *It*

Where a statute declares that railroads by whose negligence the life of a person is lost, forfeit not less than five hundred nor more than five thousand dollars, to be recovered by indictment to the use of the heirs of the deceased; *held*, that to bring a case within this statute, the killing must be instantaneous. *State v. G. T. Ry.*, 61 Me., 114.

Railroad companies, as well as other common carriers, are responsible for the misconduct of their servants, and for assaults and batteries by them committed upon passengers, without justification.

Hanson v. E. & N. A. Ry. Co., 62 Me., 84.

If the servant be first assaulted, he may defend himself, and may use sufficient force to overcome any unauthorized opposition to his proper performance of any duty. But the assault being over, or the resistance

cannot pursue and punish the wrong doer, and will make him-
 the carrier both liable if he do so. *Ib.*

ience to the rules of a company by a passenger will justify the
 refusing to carry him further, but not in maltreating him while
 g to perform the contract for his conveyance. *Ib.*

assenger is wilfully maltreated, the jury are authorized to award
 damages. *Ib.*

ad corporation is not liable for injuries to buildings in the vici-
 road caused by blasting, done by those who have contracted to
 road, or persons in their employ, although under the contract,
 ration reserves the right to retain in its hands, sums sufficient to
 amages that are not adjusted within thirty days from the time
 inflicted. Such a case is not within the provisions of R. S.,
Tibbetts v. K. & L. R. R. Co., 62 Me., 437.

struction of the contract between the P. S. & P. R. R. Co. and
 l Trunk Ry. Co. and the A. & St. L. R. R. Co., see the case

P. S. & P. R. R. Co. v. G. T. Ry. Co., 63 Me., 90.
 act, page 49 of this book.]

ds are public highways, and are to be conducted in furtherance
 blic objects of their creation.

R. R. Comm'rs v. P. & O. C. R. R. Co., 63 Me., 269.

t within the discretion of the directors of a railroad company
 r and conclusively to determine the manner in which the cor-
 shall discharge the public duties enjoined upon it by its charter;
 er and duty are devolved upon the State tribunals. *Ib.*

it of *mandamus* lies to compel a railroad company to perform
 e duties imposed upon it by its charter. *Ib.*

d charters are to receive such a construction as is reasonable
 stent with the public objects to be subserved by them. *Ib.*

uirement in the eighth section of the charter of the Portland
 nd Central Railroad Company, (special laws of 1857, c. 122,) that
 oration shall be obliged to receive at all proper times and places
 ey persons and articles" means that "the times and places"
 d for the purposes named shall in fact be reasonable, consistent
 in aid of the right of the public to use the road. *Ib.*

er or not the times and places established by the corporation are
 escription is ultimately to be determined by the State tribunals.

Ib.

blic laws of 1871, c. 204, empowering the railroad commissioners
 a railroad corporation to erect and maintain a depot at a specified
 the line of its road, determined by them to be proper and in
 ce with the demands of public convenience and necessity, is con-
 ul, and not inconsistent with, nor an infringement upon, the char-
 Portland and Oxford Central Railroad Company. *Ib.*

x under which the railroad commissioners located the station at
 Centre, on the defendants' railroad, being constitutional, and
 plation of the contract created between the State and the corpo-

ration by its charter, but in strict conformity therewith; and be proper regulation of the public use of the road; the action of the road commissioners is, therefore, affirmed, and the corporation is directed to conform thereto.

The defendants' ticket agent represented to the plaintiff that it was necessary to purchase but one ticket to enable him to pass over the road stopping over one night at an intermediate station, and that the conductor would give a stop-over check, to enable him to do so. At the time such representations were made, and in consequence of them, the plaintiff, having informed the agent of his desire to stop over, purchased the ticket, paying the fare demanded for the whole distance. On the second day the ticket was refused by the conductor, upon the ground that it was invalid, "good for this day only," and the plaintiff, refusing to pay the fare demanded, was expelled from the cars. *Held*, that in an action against the company such representations of the ticket agent were admissible in evidence; and that the conductor, having been informed of these representations, was not authorized to expel the plaintiff from the train, without first offering to return the excess of fare paid, or to deduct it from the fare demanded, though the rules of the company prohibited passengers from stopping over upon such tickets.

Burnham v. G. T. Ry. Co., 63 Me., 1

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